

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

**STANDING ORDERS**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 1

For good cause appearing to the court,

IT IS ORDERED THAT:

1. A standing Order is one so designated and approved by all  
or a majority of the judges of this court.
2. Normally, Standing Orders will be applicable to situations which are likely to re-occur,  
define court policy or relate to this Court's administrative procedures (as distinguished  
from orders applicable in a particular case), but not of sufficient interest or concern to  
the bar and general public as to warrant inclusion in the Local Rules of Practice and  
Procedure of this Court.
3. Standing Orders are public documents.
- 4 The clerk will file them in a manner suitable for convenient reference, and disseminate  
copies of all such orders to all judicial officers in this district, the Chief Probation  
Officer, United States Attorney and United States Marshal.

This the 2nd day of June, 1980.

EUGENE A GORDON  
Chief Judge

HIRIAM H. WARD  
District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 2

USE OF LAW STUDENTS AS PART-TIME LAW CLERKS

For good cause appearing to the Court,

IT IS ORDERED that:

1. An eligible law student may, with the approval of his or her law school dean or a member of the law school faculty and of a judge of this court, serve as a part-time law clerk to that judge.
2. In order to serve, the law student must:
  - (a) Be duly enrolled in a law school approved by the American Bar Association.
  - (b) Have completed legal studies amounting to at least four semesters or the equivalent.
  - (c) Be enrolled in a course or program at his or her law school offering academic credit for serving as a part-time law clerk to a judge.
  - (d) Be certified by the dean or a faculty member of his or her law school as being of good character and competent legal ability. This certification may be withdrawn by the certifier at any time by mailing a notice to the judge supervising the student. Termination of certification by the certifier shall not reflect on a student's character or ability unless otherwise specified. A copy of such certification and decertification shall be filed with the Clerk of the Court.
  - (e) Not ask for nor receive compensation of any kind from the court or anyone in connection with serving as a part-time law clerk to a judge.
  - (f) Certify in writing, which certification shall be filed with the Clerk of the Court, that he or she has read and is
    - (1) familiar and will comply with the Code of Professional Responsibility, and relevant provisions of the Code of Judicial Conduct or the United States Judges, and
    - (2) will not reveal any information or make any comments at any time, except to court personnel as specifically permitted by the judge to whom he or she is assigned, concerning any proceeding pending or impending in this court while he or

she is serving as a part-time law clerk, or subsequent thereto.

3. A judge supervising a part-time law clerk may terminate or limit the clerk's duties at any time without notice or hearing and without showing of cause. Such termination or limitation shall not be considered a reflection on the character or ability of the part-time clerk.

This the 2nd day of June, 1980.

EUGENE A. GORDON  
Chief Judge

HIRIAM H. WARD  
District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
STANDING ORDER NUMBER 3  
IMPLEMENTING PLAN FOR FURNISHING REPRESENTATION  
AND SERVICES PURSUANT TO THE CRIMINAL JUSTICE  
ACT OF 1964

For good cause appearing to the Court,

IT IS ORDERED that:

1. Section V.(C) (entitled "Records") of this Court's Plan For Furnishing Representation and Services Pursuant to the Criminal Justice Act of 1964, which was approved May 20, 1981, shall not be construed to make public any document or record which relates to an ex parte proceeding for services other than counsel, made pursuant to 18 U.S.C. S 3006 A (e)(1). All such records relating to ex parte proceedings under this section are to be maintained by the Clerk under seal, unless otherwise ordered by the Court.
2. An Advisory Committee composed of the present members of the District and Division Committees is established pursuant to Section IV.(C)(1). The Chairman of the former District Committee will be chairman of the Advisory Committee.
3. The Clerk will refer the names of attorneys being considered for membership on the panel to the Advisory Committee and request an opinion concerning their competence and qualifications to represent defendants entitled to appointed counsel under the Criminal Justice Act.
4. The Clerk will notify attorneys having offices in this district who have been admitted to practice in this Court since the last panel was approved, of the existence of this plan and afford them an opportunity to apply for membership on the panel. The same information and opportunity will be afforded such attorneys hereafter admitted to practice in this Court.
5. The panel of attorneys to be created pursuant to this Plan shall consist of not more than sixty attorneys, representing as nearly as practicable all counties within the district.
6. Members of this panel shall serve terms of four years and shall be eligible for reappointment at the discretion of the Court.
7. The attached panel of attorneys recommended by the Magistrates for

service during the first term under this plan, ending June 30, 1985, is approved.

This the 4th day of August, 1981.

EUGENE A. GORDON

Chief Judge, U.S. District Judge

HIRIAM A. WARD

U.S. District Judge

RICHARD C. ERWIN

U.S. District Judge



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 4

DISPOSITION OF PROPERTY IN THE CUSTODY  
OF LAW ENFORCEMENT OFFICERS IN CRIMINAL CASES

For good cause appearing to the Court,

IT IS ORDERED that:

In all criminal cases in which a court order is necessary for the disposition of property being held in the custody of a law enforcement agency or the United States Marshal, the pertinent facts and the United States Attorney's recommendation shall be brought to the attention of the court at the time of sentencing while the defendant is still before the court.

This the 15th day of January, 1982.

EUGENE A. GORDON  
Chief Judge, U.S. District Court

HIRIAM A. WARD  
U.S. District Judge

RICHARD C. ERWIN  
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 5

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

Pursuant to an order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court,

IT IS ORDERED THAT:

(a) Emergency Resolution

The purpose of this rule is to convey to the bankruptcy judges of this district authority to act in bankruptcy cases and proceedings until the Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. V. Marathon Pipe Line, Co., \_\_\_ U.S. \_\_\_, 102 S.Ct. 2858 (1982), or until March 31, 1984, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of the Bankruptcy Reform Act of 1978; (2) the clear intent of the Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, pursuant to 11 U.S.C. sec. 105, sections 404 and 405 of the Bankruptcy Act of 1978, Rules 53 and 83 of the Federal Rules of Civil Procedure, and Rules 513 and 927 of the Bankruptcy Rules, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(c) Powers of Bankruptcy Judges and District Court Review

(1) The bankruptcy judges may perform in referred bankruptcy matters all acts and duties necessary for the handling of those matters and may conduct all proceedings except:

- (A) a proceeding to enjoin a court;
- (B) a proceeding to punish a criminal contempt;
- (C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or
- (D) jury trials.

(2) Except as provided in (3), the orders and judgments of bankruptcy judges shall be effective upon entry by the clerk, unless stayed by the bankruptcy judge or the district court.

(3) In civil proceedings related to cases under Title 11 but not arising in or under Title 11, or wherever otherwise constitutionally required, judgments as defined in Rule 54(a) of the Federal Rules of Civil Procedure that would be appealable if rendered by a district judge and that do not result from a stipulation among the parties, shall not be effective and shall not be entered until the judgment has been signed by a district judge. In such proceedings, the bankruptcy judge shall submit findings, conclusions, and a proposed judgment to the district judge.

(4) Objections to an order or judgment entered under paragraph (2), or a proposed judgment lodged under paragraph (3) must be filed within 10 days after entry or lodgment thereof by the clerk. The time for filing objections may, for cause, be shortened by the bankruptcy judge or the district court.

(5) (A) A district judge shall review:

- (i) an order or judgment entered under paragraph (2) if a timely objection has been filed;
- (ii) an order or judgment entered under paragraph (2) if the bankruptcy judge certified that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any objection was filed; and
- (iii) a proposed judgment lodged under paragraph (3), whether or not any objection has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as he deems appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

(6) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (5), the district judge shall review the matter and enter an order or judgment as soon as possible.

(d) Effective Date and Pending Cases

This rule shall become effective October 5, 1982, and shall apply to all cases not governed by the Bankruptcy Act of 1898, as amended. Any bankruptcy matters pending on October 5, 1982 before a bankruptcy judge shall be deemed referred to that judge.

This the 1st day of October, 1982.

HIRIAM H. WARD

Chief Judge, U.S. District Court

RICHARD C. ERWIN

U.S. District Judge

EUGENE A. GORDON

Senior District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 6

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

Pursuant to an Order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court,,

IT IS ORDERED THAT:

(a) Emergency Resolution

The purpose of this order is to supplement existing law and rules in respect to the authority of the bankruptcy judges of this district to act in bankruptcy cases and proceedings until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., U.S. 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982), or until March 31, 1984, whichever first occurs.

The judges of the district court find that exceptional circumstances exist. These circumstances include: (1) the unanticipated unconstitutionality of the grant of power to bankruptcy judges in section 241(a) of Public Law 95-598; (2) the clear intent of Congress to refer bankruptcy matters to bankruptcy judges; (3) the specialized expertise necessary to the determination of bankruptcy matters; and (4) the administrative difficulty of the district courts' assuming the existing bankruptcy caseload on short notice.

Therefore, the orderly conduct of the business of the court requires this referral of bankruptcy cases to the bankruptcy judges.

(b) Filing of bankruptcy papers

The bankruptcy court constituted by S 404 of Public Law 95-598 shall continue to be known as the United States Bankruptcy Court of this district. The Clerk of the Bankruptcy Court is hereby designated to maintain all files in bankruptcy cases and adversary proceedings. All papers in cases or proceedings arising under or related to Title 11 shall be filed with the Clerk of the Bankruptcy Court regardless of whether the case or proceeding is before a bankruptcy judge or a judge of the district court, except that a judgment by the district judge shall be filed in accordance with Rule 921 of the Bankruptcy Rules.

(c) Reference to Bankruptcy Judges

(1) All cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to cases under Title 11 are referred to the bankruptcy judges of this district.

(2) The reference to a bankruptcy judge may be withdrawn by the district court at any time on its own motion or on timely motion by a party. A motion for withdrawal of reference shall not stay any bankruptcy matter pending before a bankruptcy judge unless a specific stay is issued by the district court. If a reference is withdrawn, the district court may retain the entire matter, may refer

part of the matter back to the bankruptcy judge, or may refer the entire matter back to the bankruptcy judge with instructions specifying the powers and functions that the bankruptcy judge may exercise. Any matter in which the reference is withdrawn shall be reassigned to a district judge in accordance with the court's usual system for assigning civil cases.

(3) Referred cases and proceedings may be transferred in whole or in part between bankruptcy judges within the district without approval of a district judge.

(d) Powers of Bankruptcy Judges

(1) The bankruptcy judges may perform in referred bankruptcy cases and proceedings all acts and duties necessary for the handling of those cases and proceedings except that the bankruptcy judges may not conduct:

- (A) a proceeding to enjoin a court;
- (B) a proceeding to punish a criminal contempt --
  - (i) not committed in the bankruptcy judge's actual presence; or
  - (ii) warranting a punishment of imprisonment;
- (C) an appeal from a judgment, order, decree, or decision of a United States bankruptcy judge; or
- (D) jury trials.

Those matters which may not be performed by a bankruptcy judge shall be transferred to a district judge.

(2) Except as provided in (d)(3), orders and judgments of bankruptcy judges shall be effective upon entry by the Clerk of the Bankruptcy Court, unless stayed by the bankruptcy judge or a district judge.

(3) (A) Related proceedings are those civil proceedings that, in the absence of a petition in bankruptcy, could have been brought in a district court or a state court. Related proceedings include, but are not limited to, claims brought by the estate against parties who have not filed claims against the estate. Related proceedings do not include: contested and uncontested matters concerning the administration of the estate; allowance of and objection to claims against the estate; counterclaims by the estate in whatever amount against persons filing claims against the estate; orders in respect to obtaining credit; orders to turn over property of the estate; proceedings to set aside preferences and fraudulent conveyances; proceedings in respect to lifting of the automatic stay; proceedings to determine discharge ability of particular debts; proceedings to object to the discharge; proceedings in respect to the confirmation of plans; orders approving the sale of property where not arising from proceedings resulting from claims brought by the estate against parties who have not filed claims against the estate; and similar matters. A proceeding is not a related proceeding merely because the outcome will be affected by state law.

(B) In related proceedings the bankruptcy judge may not enter a judgment or dispositive order, but shall submit findings, conclusions, and a proposed judgment or order to the district judge, unless the parties to the proceeding consent to entry Of the judgment or order by the bankruptcy judge.

(e) District Court Review

(1) A notice of appeal from a final order or judgment or proposed order or judgment of a bankruptcy judge or an application for leave to appeal an interlocutory order of a bankruptcy judge, shall be filed within 10 days of the date of entry of the judgment or order or of the lodgment of the proposed judgment or order. As modified by sections (e) A and B of this rule, the procedures set forth in Part VIII of the Bankruptcy Rules apply to appeals of bankruptcy judges' judgments and orders and the procedures set forth in Bankruptcy Interim Rule 8004 apply to applications for leave to appeal interlocutory orders of bankruptcy judges. Modification by the district judge or the bankruptcy judge of time for appeal is governed by Rule 802 of the Bankruptcy Rules.

(2) (A) A district judge shall review:

(i) an order or judgment entered under paragraph (d)(2) if a timely notice of appeal has been filed or if a timely application for leave to appeal has been granted;

(ii) an order or judgment entered under paragraph (d)(2) if the bankruptcy judge certifies that circumstances require that the order or judgment be approved by a district judge, whether or not the matter was controverted before the bankruptcy judge or any notice of appeal or application for leave to appeal was filed; and

(iii)a proposed order or judgment lodged under paragraph (d)(3), whether or not any notice of appeal or application for leave to appeal has been filed.

(B) In conducting review, the district judge may hold a hearing and may receive such evidence as appropriate and may accept, reject, or modify, in whole or in part, the order or judgment of the bankruptcy judge, and need give no deference to the findings of the bankruptcy judge. At the conclusion of the review, the district judge shall enter an appropriate order or judgment.

(3) When the bankruptcy judge certifies that circumstances require immediate review by a district judge of any matter subject to review under paragraph (e)(2), the district judge shall review the matter and enter an order or judgment as soon as possible.

(4) It shall be the burden of the parties to raise the issue of whether any proceeding is a related proceeding prior to the time of the entry of the order or judgment of the district judge after review.

(f) Local Rules

In proceedings before a bankruptcy judge, the local rules of the bankruptcy court shall apply. In proceedings before a judge of the district court, the local rules of the district court shall apply.

(g) Bankruptcy Rules and Title IV of Public Law 95-598

Courts of bankruptcy and procedure in bankruptcy shall continue to be governed by Title IV of Public Law 95-598 as amended and by the bankruptcy rules prescribed by the Supreme Court of the United States pursuant to 28 U.S.C. § 2075 and limited by SEC. 405(d) of the Act, to the extent that such Title and Rules are not inconsistent with the holding of Northern Pipeline Construction Co. v. Marathon Pipe Line Co., \_\_\_ U.S. \_\_\_ 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982).

(h) Effective Date and Pending Cases

This order shall become effective December 25, 1982, and shall apply to all bankruptcy cases and proceedings not governed by the Bankruptcy Act of 1898 as amended, and filed on or after October 1, 1979. Any bankruptcy matters pending before a bankruptcy judge on December 25, 1982, shall be deemed referred to that judge.

FOR THE COURT:

HIRIAM H. WARD  
Chief Judge

December 23, 1982



IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 7

APPOINTMENT OF A PERSON TO SERVE CIVIL PROCESS

For good cause appearing to the Court,

IT IS ORDERED that:

The Clerk of this court be and he hereby is empowered and authorized to specially appoint a person to serve civil processes pursuant to Rule 4(c)(1), (2)(B) and (3) of the Federal Rules of Civil Procedure, upon application for such appointment by a party or an attorney for such party.

This the 1st day of April, 1983.

HIRIAM H. WARD  
Chief Judge, U. S. District Court

RICHARD C. ERWIN  
U. S. District Judge

FRANK W. BULLOCK, JR.  
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NO. 8

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

For good cause appearing to provide for the orderly administration of bankruptcy cases to be continued,

IT IS ORDERED that Standing Order Number 6 of this Court (entitled "Interim Bankruptcy Administration and Procedure"), dated December 23, 1982, is extended until the U. S. Congress enacts appropriate remedial legislation in response to the U. S. Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982), or until April 30, 1984, whichever first occurs.

This the 31st day of March, 1984.

FOR THE COURT:

HIRIAM H. WARD  
Chief Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NO. 9

INTERIM BANKRUPTCY ADMINISTRATION AND PROCEDURE

Pursuant to an Order of the Judicial Council of the United States Court of Appeals for the Fourth Circuit and for good cause appearing to the Court for the continuation of the orderly administration of bankruptcy cases, IT IS

ORDERED that Standing order Number 6 of this Court (entitled "Interim Bankruptcy Administration and Procedure"), dated December 23, 1982, is extended until the United States Congress enacts appropriate remedial legislation in response to the United States Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982).

This the 27th day of April, 1984.

FOR THE COURT:

HIRIAM H. WARD  
Chief Judge

P.O. Box 6G  
RICHMOND, VIRGINIA 23214-1830

SAMUEL W. PHILLIPS  
CIRCUIT EXECUTIVE  
UNITED STATES COURT OF APPEALS  
FOURTH CIRCUIT

804-771-2184  
FTS-925-2184

May 7, 1984

TO: Chief Judges, U. S. District Courts  
U. S. Bankruptcy Judges  
Clerks, U. S. District Courts  
Clerks, U. S. Bankruptcy Courts

SUBJECT: Bankruptcy Courts, Extension of the  
Transitional Period

Dear Judges and Clerks:

Attached is a copy of an Order entered by Chief Judge Winter for the Judicial Council on Monday, April 30, 1984 which requires that the existing rules for the administration of the bankruptcy system in this Circuit be amended to remain in effect until Congress enacts appropriate legislation.

Sincerely

Samuel W. Phillips

kw

Attachment

CC: Honorable Harrison L. Winter  
Chief Judge, Fourth Circuit

Members of Judicial Council

Mr. William E. Foley  
Director, Administrative Office, U.S. Courts

UNITED STATES COURT OF APPEAL

for the Fourth Circuit

JUDICIAL COUNCIL

In the matter of

Bankruptcy Courts

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Order No. 19

Acting pursuant to the authority vested in the Judicial Council by 28 U.S.C. § 332 (d), the Judicial Council of the Fourth Circuit concludes that the uniform, effective and expeditious administration of justice within this circuit requires that the rule for the administration of the bankruptcy system in this circuit adopted by the district courts of this circuit pursuant to Judicial Council Order No. 3 and amended by Judicial Council Order No. 18 be amended to remain in effect until Congress enacts appropriate remedial legislation in response to the Supreme Court's decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S. Ct. 2858 (1982), and it is so ordered.

For the Council

HARRISON L. WINTER

Chief Judge

April 30, 1984

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE ADMINISTRATION:  
OF THE UNITED STATES BANKRUPTCY :  
COURT FOR THE MIDDLE DISTRICT OF :  
NORTH CAROLINA :

O R D E R

(STANDING ORDER NO. 10)

The Bankruptcy Amendments and Federal Judgeships Act of 1984 (Public Law 98-353) enacted on July 10, 1984, provides that the district courts shall have, jurisdiction of --

- (1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687);
- (2) cases under Title 11 of the United States Code, and proceedings arising under Title 11 of the United States Code or arising in or related to cases under Title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), and
- (3) cases under Title 11 of the United States Code, and proceedings arising under Title 11 of the United States Code or arising in or related to cases under Title 11 of the United States Code filed after the enactment of Public Law 98-353.

NOW, THEREFORE, pursuant to 28 U.S.C. S 157(a), IT IS ORDERED that all such cases, matters and proceedings in the Middle District of North Carolina are hereby referred to the bankruptcy judges of this District except for those cases, matters and proceedings withdrawn by orders of the district court prior to June 28, 1984.

FOR THE COURT:

HIRIAM H. WARD

Hiram H. Ward, Chief Judge  
United States District Court

Date: August 15, 1984

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 11

DISCLOSURE OF GRAND JURY TESTIMONY IN CRIMINAL CASES

For good cause appearing to the Court,

IT IS ORDERED THAT:

Prosecuting attorneys representing the United States and any attorney representing a defendant or any defendant proceeding pro se in a criminal case before this court who has, pursuant to Rules 6,, 16(a)(1)(A), 26.2, and 12(i) of the Federal Rules of Criminal Procedure; the provisions of Title 18, United States Code, Section 3500; or the doctrine of Brady v. Maryland, 373 U.S. 83 (1963), received a transcript of recorded testimony of any witness before a grand jury either by and through an order of this Court or the open file policy of the United States Attorney shall handle the grand jury transcripts of recorded testimony strictly in accordance with the following instructions:

1. Except as otherwise provided for by Rule 6, Federal Rules of Criminal Procedure, disclosure is to be made only to counsel of record of a defendant or to any defendant proceeding pro se in the criminal action.

2. No counsel of record of a defendant or a defendant proceeding pro se in the criminal action may reproduce any transcript of testimony described herein.

3. Within ten days following the termination of the criminal action, inclusive of any period allowed for appeal, recipients of transcripts of testimony from prosecuting attorneys for the Government shall deliver to the prosecuting attorney for the Government the transcripts to be held in accordance with Rule 6 of the Federal Rules of Criminal Procedure.

4. The transcripts may be used solely for evidentiary purposes in the criminal action.

5. Except to the limited extent that disclosure to the defendant-client or to secretarial assistants may be essential in the preparation of motions and briefs or in the preparation for trial in the criminal case, no recipient shall disclose the contents of any transcript of testimony to any non-recipient.

6. Recipients of transcripts of testimony shall immediately



inform any and all persons assisting them in a criminal action of the contents of this Order.

IT IS FURTHER ORDERED that the U.S. Attorney shall provide a copy of this order to attorneys or defendants proceeding pro se who obtain copies of Grand Jury material pursuant to this order.

This the 16th day of October, 1984.

HIRIAM H. WARD

Chief Judge, U. S. District Court

RICHARD C. ERWIN

U. S. District Judge

FRANK W. BULLOCK, JR.

U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 12

IN THE MATTER OF DESIGNATING THE BANKRUPTCY CLERK  
AS ACCOUNTABLE OFFICER FOR HANDLING BANKRUPTCY  
REGISTRY FUNDS, COSTS, AND OTHER MONIES

Pursuant to the Bankruptcy Amendments and Federal Judgeship Act (Public Law No. 98-353,,98 Stat. 333), it is necessary to designate the accountable officer for the handling of all bankruptcy fees collected under 28 U.S.C. § 1930 and bankruptcy registry funds received under 28 U.S.C. § 2041.

Therefore, IT IS HEREBY ORDERED that:

Bankruptcy Clerk Designated as Accountable Officer for Bankruptcy Registry Funds:

The bankruptcy clerk, Mr. William L. Schwenn, is designated as the accountable officer in this judicial district for all monies paid into the United States Bankruptcy Court for the Middle District of North Carolina in petitions and proceedings pending before or adjudicated by a bankruptcy judge in this district. The bankruptcy clerk shall collect and receive all such monies for the district court, shall deposit them in the name and to the credit of the district court in accordance with 28 U.S.C. § 2041, and shall administer, withdraw, and disburse them only in accordance with 28 U.S.C. § 2042. Bankruptcy registry funds will be maintained in an account entitled: U.S. District Court, Bankruptcy Clerk.

Accountability for and Handling of Bankruptcy Fees, Costs, and

#### Other Monies:

The bankruptcy clerk, Mr. William L. Schwenn, shall collect all fees and costs in petitions and proceedings referred to a bankruptcy judge and shall be responsible, liable, and accountable for them. The bankruptcy clerk shall make returns of all fees, costs, and other monies collected by him in accordance with procedures prescribed by the Director of the Administrative Office of the United States Courts.

#### Bankruptcy Clerk's Responsibility:

The bankruptcy clerk, Mr. William L. Schwenn, is responsible for the supervision of all personnel handling bankruptcy monies, the establishment of control procedures relating thereto, the day-to-day implementation of an execution of fiscal procedures, the collection and disposition of all bankruptcy fees, costs or other monies and any registry funds of the bankruptcy court, the maintenance of financial records, and the reconciliation of these monies in accordance with guidelines promulgated by the Administrative Office of the United States Courts. Notwithstanding the fact that all personnel actually handling money relating to bankruptcy petitions are accountable for any monies in their official custody and possession and are liable for any losses, the bankruptcy clerk is accountable therefor and will be ultimately liable for the loss of any funds collected and received in the Bankruptcy Court. A copy of each financial report concerning bankruptcy monies, excluding registry funds, required by or rendered to the Administrative office of the U.S. Courts, or provided to or received from the U.S. Treasury and each internal

financial control procedure established in the

bankruptcy court shall be furnished this court, Attention: Clerk of Court.

This the 2nd day of November 1984.

HIRIAM H. WARD

Chief Judge, U. S. District Court

RICHARD C. ERWIN

U. S. District Judge

FRANK W. BULLOCK, JR.

U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 13

IN THE MATTER OF ESTABLISHING A PROCEDURE  
FOR OBJECTING TO A BANKRUPTCY JUDGE'S  
FINDINGS & RECOMMENDATIONS

Pursuant to the Bankruptcy Amendments and Federal Judgeship Act (Public Law No. 98-353, 98 Stat.333), a bankruptcy judge may hear a proceeding that is not a core proceeding but which is otherwise related to a case under Title 11 of the U. S. Code, and in such proceeding the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by the district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected. [28 U.S.C. 157(c)(1)].

In order that a uniform procedure may be followed in this judicial district by a party desiring to object to findings and recommendations of a bankruptcy judge, IT IS HEREBY ORDERED that:

The procedure for filing objections to a bankruptcy judge's recommendation on a dispositive or other matter shall be as set forth in Rule 72(b) of the Federal Rules of Civil Procedure; and IT IS FURTHER ORDERED that:

For the purpose of reading and implementing this Standing Order, Rule 72(b) of the Federal Rules of Civil Procedure shall be read to substitute the words "bankruptcy judge" for the word "magistrate" in every instance where to "magistrate" appears; and IT IS FURTHER ORDERED that:

The Clerk of the Bankruptcy Court for the Middle District of North Carolina shall cause to be mailed, and shall certify to the mailing of, a notice setting forth the pertinent portion of Rule 72(b), Federal Rules of Civil Procedure to appropriate parties in a bankruptcy case or adversary proceeding at the time that the bankruptcy judge's findings and recommendations are issued from the office of the Bankruptcy Court Clerk.

This the 10th day of May, 1985.

HIRIAM H. WARD

Chief Judge, U.S. District Court

RICHARD C. ERWIN

Judge, U.S. District Court

FRANK W. BULLOCK, JR.

Judge, U.S. District Court

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE	)	Case No.
	)	
	)	
	)	
Plaintiff(s),	)	
	)	Adversary Proceeding No.
V.	)	
	)	
Defendant(s).	)	

NOTICE

Attached to this Notice are the Bankruptcy Judge's Findings and Recommendations in the above-entitled proceeding, which have been filed and entered on the docket in this proceeding.

Pursuant to Standing Order No. \_\_\_\_\_ of the U. S. District Court for the Middle District of North Carolina, a party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the bankruptcy judge deems sufficient, unless the district judge otherwise directs. Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof. The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the bankruptcy judge's disposition to which specific written objection has been made. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

You are hereby notified that unless written objections to the Bankruptcy Judge's Findings and Recommendations are served and filed, the district judge shall enter an appropriate order or judgment but need not make a de novo review of the Bankruptcy Judge's Findings and Recommendations. Therefore, if you fail to serve and file objections within ten (10) days from the date of this Notice, you may waive your right to question on appeal the substance of the Bankruptcy Judge's Findings and Recommendations accepted by the district judge.

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, deposited in the United States mail one true copy of this Notice with copy of Bankruptcy Judge's Findings and Recommendations attached, enclosed in a United States Government franked envelope, addressed to persons listed below at the last known addresses, as follows:

William L. Schwenn, Clerk

By: \_\_\_\_\_  
Deputy Clerk

IN UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE

Debtor

)  
) Case No.  
)  
)  
)  
)

NOTICE

Attached to this Notice are the Bankruptcy Judge's Findings and Recommendations in the above-entitled case, which have been filed and entered on the docket in this case.

Pursuant to Standing Order No. \_\_\_\_\_ of the U. S. District Court for the Middle District of North Carolina, a party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the bankruptcy judge de s sufficient, unless the district judge otherwise directs. Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof. The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the bankruptcy judge's disposition to which specific written objection has been made. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

You are hereby notified that unless written objections to the Bankruptcy Judge's Findings and Recommendations are served and filed, the district judge shall enter an appropriate order or judgment but need not make a de novo review of the Bankruptcy Judge's Findings and Recommendations. Therefore, if you fail to serve and file objections within ten (10) days from the date of this Notice, you may waive your right to question on appeal the substance of the Bankruptcy Judge's Findings and Recommendations accepted by the district judge.

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I deposited in the United States mail one true copy of this Notice with copy of Bankruptcy Judge's Findings and Recommendations attached, enclosed in a United States Government franked envelope, addressed to persons listed below at the last known addresses, as follows:

William L. Schwenn, Clerk

By: \_\_\_\_\_  
Deputy Clerk



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 14  
IN THE MATTER OF TRANSCRIPT RATES

Pursuant to a resolution adopted by the Judicial Conference of the United States at its September 1986 meeting, the following maximum allowable transcript rates are approved and effective in this District as of 28th October, 1986, and until such time as the fee structure is further reviewed by the Judicial Conference of the United States:

	<u>Original</u>	First Copy to <u>Each Party</u>	Each Additional Copy to the <u>Same Party</u>
Ordinary Transcript	\$3.00	\$ .75	\$ .50
Expedited Transcript	4.00	.75	.50
Daily Transcript	5.00	1.00	.75
Hourly Transcript	6.00	1.00	.75

Said maximum allowable transcript rates will not apply to any transcripts paid for by funds from the Federal Treasury, such as and including any transcript ordered by the U. S. Attorney, or under the Criminal Justice Act, or on behalf of a person proceeding in forma pauperis as long as the Gramm/Rudman/Hollings Act is in effect.

This 28th day of October, 1986.

For the Court:

Hiram H. Ward  
Chief Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 15  
IN RE: CONDITIONS OF SUPERVISED RELEASE

Pursuant to 18 U.S.C. S 3583(d), IT IS HEREBY ORDERED:

I. When terms of supervised release are imposed by this Court in any criminal case, the general conditions of supervised release in each case shall be as follows:

- (A) the offender shall not commit another federal, state, or local crime during the term of supervised release;
- (B) the offender shall not leave the judicial district without obtaining permission from the probation officer;
- (C) the offender shall report to the probation officer as directed by the Court or the probation office and submit a truthful written monthly report within the first five days of each month;
- (D) the offender shall permit a probation officer to visit him at his/her home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- (E) the offender shall answer inquiries by a

probation officer and follow the instructions of the probation officer;

- (F) the offender shall notify the probation officer promptly of any changes in address or employment;
- (G) the offender shall notify the probation officer promptly if arrested or questioned by a law enforcement officer;
- (H) the offender shall maintain reasonable hours, shall associate only with law-abiding persons, and shall not associate with individuals with criminal felony records unless granted permission to do so by the probation officer;
- (I) the offender shall not possess a firearm, dangerous weapon, or destructive device;
- (J) the offender shall not purchase, possess, use, distribute, or administer any controlled substance, to include narcotics, marijuana, depressants or stimulants, or any paraphernalia related to the foregoing unless prescribed by a physician. The offender shall not frequent places where such drugs are illegally sold, dispensed, used, or given away. Neither shall the offender drink

alcoholic beverages to excess;

(K) the offender shall not enter into any agreement to act as an informer or special agent of any law enforcement agency;

(L) as directed by the probation officer, the offender shall provide notification to third parties as to risks that may be occasioned by the offender's criminal record or personal characteristics, and shall permit the probation officer to make such notifications and to confirm the offender's compliance; and

(M) the offender shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons. The offender shall notify the probation officer immediately of any change in employment status to include job changes or being out of work.

II. In addition to the general conditions of supervised release imposed in criminal cases, the Court may impose such special conditions of supervised release as it deems necessary, including any condition that could be imposed as a condition of probation except the condition that the offender be placed in custody for intervals of time, which are reasonably related to:

- (A) the nature and circumstances of the offense;
- (B) the history and characteristics of the offender;
- (C) the need to deter further criminal conduct; and
- (D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

III. (A) The breach of any of the general conditions of supervised release shall be sufficient reason for revoking the order of supervised release and bringing the offender again before the Court for further judgment.

(B) The breach of any special conditions of supervised release ordered by the Court shall likewise be sufficient reason for revoking the order of supervised release and bringing the offender again before the Court for further judgment.

(C) The Court reserves the power, for cause or reason shown at any time during the period of supervised release, to revoke, change or modify any condition of supervised release.

IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of this Court.

This the 3rd day of February 1987.

HIRIAM H. WARD  
U.S. District Court

RICHARD C. ERWIN  
U.S. District Court

FRANK W. BULLOCK, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EQUAL EMPLOYMENT	)	
OPPORTUNITY PLAN	)	
FOR	)	STANDING ORDER
UNITED STATES DISTRICT	)	NUMBER 16
COURT FOR THE MIDDLE DISTRICT	)	
OF NORTH CAROLINA	)	

I. Pursuant to resolutions of the Judicial Conference of the United States and for good cause appearing to the Court, this Court will promote equal employment opportunity through a program encompassing all facets of personnel management; including recruitment, hiring, promotion, advancement, etc.; and will provide equal employment opportunity to all persons regardless of their race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. This program, which will be evaluated periodically, is not intended to modify or reduce the qualification standards for employment in the Federal courts as such standards have been approved by the Judicial Conference of the United States.

II. SCOPE OF COVERAGE.

This Equal Employment Opportunity Program applies to all court personnel including judges' staffs and court officers and their staffs.

### III. ORGANIZATION.

#### A. Implementation.

The court shall implement the Equal Employment Opportunity Program. On behalf of the court, the Chief Judge will submit modifications in the plan for Judicial Council approval.

#### B. Heads of Court Support units.

The heads of each court support unit must ensure that all vacancies are publicly announced to attract candidates who represent the make-up of persons available in the qualified labor market and all hiring decisions are based solely on job-related factors. They should make reasonable efforts to see that the skills, abilities, and potential of each employee are identified and developed, and that all employees are given equal opportunities for promotions by being offered, when the work of the court permits and within the limits of available resources, cross-training, reassignments, job restructuring, special assignments, and outside job-related training.

#### C. Judges, Court Managers, and Supervisors.

Judges and designated court managers and supervisors must apply equal employment opportunity practices and policies in their work



units. This includes giving each employee a fair and equal opportunity to demonstrate his or her skills and, where those abilities exceed general performance standards, to be recommended for personnel actions and awards recognizing such achievements. As resources permit, it also requires providing training programs which enable employees to develop their job skills fully.

D. Equal Employment Opportunity Coordinator.

The court will designate one person to be the Equal Employment Opportunity Coordinator. This person will be responsible for collecting, analyzing, and consolidating the statistical data and statements prepared by each court unit. The Coordinator will then prepare an annual report for the Chief Judge and the Administrative Office describing the court's achievements in providing equal employment opportunities, identifying those areas in which improvements are needed, and explaining those factors inhibiting achievement of equal employment opportunity objectives. Based upon this evaluation and report, the Coordinator will recommend modifications in the plan to the court. The Coordinator will also seek to resolve discrimination complaints

informally and will provide EEO information to the public.

#### IV. PERSONNEL PRACTICES.

##### A. Recruitment.

Each court unit will seek qualified applicants who reflect the make-up of all such persons in the relevant labor market. Each unit will publicize all vacancies.

##### B. Hiring.

Each court unit will make its hiring decisions strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position satisfactorily.

##### C. Promotion.

Each court unit will promote employees according to their experience, training, and demonstrated ability to perform duties of a higher level.

##### D. Advancement.

Each court unit will seek insofar as reasonably practicable to improve the skills and abilities of its employees through cross-training, job restructuring, assignments, details, and outside training.

##### E. Discrimination Complaints.

The court adopts the procedures for resolving discrimination complaints set forth in Appendix 1.



## V. EVALUATIONS

Each court unit will prepare a brief report for the EEO Coordinator describing its efforts to provide equal employment opportunities in:

- a) Recruitment. Each court unit will describe briefly efforts made to bring a fair cross-section of the pool available for the position into its applicant pool, including listing all employment sources used (e.g., state employment offices, schools, organizations, etc.). Each unit will also explain the methods it uses to publicize vacancies.
- b) Hiring. Each court unit will identify where its recruitment efforts resulted in the hiring of a cross-section of the pool available and will, if known, explain those instances where members of the cross-section did not accept employment with the court when it was offered.
- c) Promotions. Each court unit will briefly describe promotional opportunities which occurred and will provide an analysis of the distribution of promotions, including a description of those persons who were promoted to supervisory positions.
- d) Advancement. Each court unit will describe what

efforts were made to improve the skills and abilities of employees through cross-training, job restructuring, assignments, details, and outside training.

In addition, this evaluation should include information on factors inhibiting achievement of EEO objectives such as no vacancies, minimal numbers of qualified applicants in the relevant labor market, and on all persons in the unit who have received all relevant training. This report will also include a breakdown according to the race, sex, national origin, and handicap of the court's personnel involved on forms to be provided by the Administrative office of the United States Courts.

The report will cover personnel actions occurring in the year ending September 30 and will be submitted to the EEO Coordinator by November 1 of each year.

#### VI. OBJECTIVES.

Each court unit will develop annually its own objectives which reflect those improvements needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan for the EEO Coordinator explaining how those objectives will be achieved.

#### VII. ANNUAL REPORT.

The EEO Coordinator will prepare for the court's approval an annual report for the year ending September 30, consolidating the data and statements received from each

court unit. The report will include tables to be provided by the Administrative Office of the United States Courts consolidating the information provided by each court unit. It will also describe instances where significant achievements were made in providing equal employment opportunities, will identify areas where improvements are needed, and will explain factors inhibiting achievement of equal employment opportunity objectives. Upon approval of the court, this report will be submitted by the Chief Judge to the Administrative Office of the United States Courts by November 30 of each year.

Accordingly, IT IS ORDERED that the foregoing Equal Employment Opportunity Plan and the attached Discrimination Complaint Procedures promulgated by the Judicial Conference of the United States are hereby ADOPTED.

This the 3rd day of March 1987.

HIRIAM H. WARD  
U.S. District Court

RICHARD C. ERWIN  
U.S. District Court

FRANK W. BULLOCK, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

APPENDIX 1

DISCRIMINATION COMPLAINT PROCEDURES

Judicial Conference of the United States  
March 1980

(Rev. September 1986)

## **I. SCOPE OF COVERAGE.**

All applicants for court positions and all court personnel may seek timely redress of discrimination complaints through these procedures. These procedures, however, are not intended to be a replacement for the working relationship which must exist between supervisors and employees, nor are they intended to interfere in the administrative processes of the courts.

## **II. DEFINITION.**

A discrimination complaint is any allegation that a person has been denied employment, promotion, or advancement, or has been affected in any other condition of employment, because of his or her race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. It also includes allegations of restraint, interference, coercion, discrimination, or reprisal because a person has raised an allegation of discrimination or has served as a representative, a witness, or an EEO Coordinator in connection with a complaint. It does not include complaints relating other dissatisfactions in a person's conditions of employment which are commonly known as grievances.

## **III. RIGHTS OF PERSONNEL.**

### **A. Retaliation.**

Every complainant has the right to be free from retaliation, coercion, or interference because of filing a timely complaint.

### **B. Representation.**

Every complainant and every person against whom a complaint has been filed has the right to be represented by a person of his or her choice if such person is available and consents to be a representative. A court employee may accept the responsibilities of representation if it will not unduly interfere with his or her court duties or constitute a conflict of interest. A representative who is a court employee shall be free from restraint, interference, coercion, discrimination, and reprisal, and shall have a reasonable amount of official time to accompany represent, and advise the complainant or the person complained against at any stage in the complaint procedures.



### **C. Notice.**

Every person against whom a complaint has been timely filed has the right to have notice of the charges filed against him or her. All persons involved have the right to reasonable notice of any hearing conducted on a complaint.

### **D. Preparation.**

All court employees involved in a complaint procedure may use a reasonable amount of official time to prepare their case so long as it does not unduly interfere with the performance of their court duties.

## **IV. PROCEDURES.**

### **A. Initiation of a Complaint.**

Any applicant or any court. employee, or his or her representative, may file a timely discrimination complaint with the EEO Coordinator. If the EEO Coordinator is named in the complaint or otherwise directly involved in the complaint, he or she shall promptly transmit the complaint to the Chief Judge or a designee who will appoint another person to perform the functions of the EEO Coordinator with respect to the complaint in question. The complaint must be in writing, must allege all relevant facts constituting the basis for such complaint, and must specify the relief requested. A complaint form is available upon request.

### **B. Informal Procedures.**

Upon receipt of a complaint, the EEO Coordinator:

1. May reject a complaint that was not timely filed and shall reject those allegations in the complaint that are not within the purview of Section II of these Discrimination Complaint Procedures, or that set forth identical matters contained in a pending or previous complaint filed by the same complainant;
2. Will make any investigation into the matter which he or she deems necessary;
3. Will consult with the involved parties

and seek an informal resolution of the problem;

4. Will prepare a report to the parties identifying the issues, describing his or her findings and recommendations, explaining what resolution, if any, was achieved, and defining what corrective actions, if any, will be undertaken; and
5. May cancel a complaint because of the complainant's failure to prosecute the complaint.

### **C. Formal Procedures.**

#### **1. Filing.**

If either the complainant or the person against whom the complaint has been filed objects to the rejection or cancellation of the complaint or any portion thereof, or to the findings and recommendations of the EEO Coordinator, such person may file a written request with the Chief Judge or a designee to have the matter reviewed.

#### **2. Review.**

Upon receipt of a request to review the findings and recommendations of the EEO Coordinator, the Chief Judge or a designee will:

- a. Conduct any additional investigation which he or she deems necessary;
- b. Determine whether to interview the parties or other persons;
- c. Determine whether to hold a formal hearing on the matter; and
- d. Issue a final decision on the rejection, cancellation, or merits of the complaint if it is found that no interviews or hearings are necessary.

### **3. Hearing.**

If the Chief Judge or a designee finds that a hearing is necessary, all parties will be notified of such action. At the hearing, each party will have the right to representation, to present evidence on his or her behalf , and to cross-examine adverse witnesses. The Chief Judge or a designee will issue a final decision on the merits based upon his or her findings.

### **D. Deadlines.**

Initial complaints and the review of complaints are subject to the following deadlines:

1. All complaints must be filed within 15 calendar days of a particular act or occurrence or within 15 calendar days of becoming aware of the act or occurrence, and no late filing will be accepted unless good cause is presented to the EEO Coordinator;
2. The EEO Coordinator will prepare a report within 20 calendar days after consultation with the involved parties;
3. All requests for review of the EEO Coordinator's findings must be submitted within 5 calendar days after receipt of the report;
4. The Chief Judge or a designee will issue a final decision within 45 calendar days after receipt of the request if no hearing is held;
5. The Chief Judge or a designee will issue a final decision within 30 calendar days after the close of a hearing; and
6. The Chief Judge may extend any of the above-mentioned deadlines for good cause.

### **V. RECORDS**

All papers, files, and reports will be filed with the EEO Coordinator at the conclusion of any informal or formal

proceeding in a complaint. No papers, files, or reports relating to a complaint will be filed in any employee's personnel folder, except as necessary to implement disciplinary action against any person who engaged in discriminatory conduct.

#### **VI. ANNUAL REPORT.**

The EEO Coordinator will prepare an annual report for the year ending September 30, indicating:

1. The number of complaints initiated;
2. The types of complaints initiated according to race, sex, color, national origin, religion, age or handicap;
3. The number of complaints resolved informally;
4. The number of complaints resolved formally without a hearing; and
5. The number of complaints resolved formally with a hearing.

(The foregoing information will not identify the names of the parties involved.)

A copy of the report will remain in the court and will be made available to the public upon request.

#### **VII. NOTICE.**

Copies of these procedures shall be given to all employees and, upon request, to members of the public.

COMPLAINT OF DISCRIMINATION  
UNDER THE JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. Full Name of Complainant: \_\_\_\_\_

2. Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

3. Home Phone: \_\_\_\_\_ Work: \_\_\_\_\_

4. If You Are Now a Court Employee, State the Title and Grade of Your Job: \_\_\_\_\_

5. Type of Alleged Discrimination: (Check and identify as many as are applicable) \_\_\_\_\_ Race \_\_\_\_\_

\_\_\_\_\_ Sex \_\_\_\_\_ National Origin \_\_\_\_\_

\_\_\_\_\_ Color \_\_\_\_\_ Handicap \_\_\_\_\_

\_\_\_\_\_ Religion \_\_\_\_\_ Age \_\_\_\_\_

6. Date of alleged discrimination: \_\_\_\_\_

7. Please identify by name and position the official you believe discriminated against you.

\_\_\_\_\_

\_\_\_\_\_

8. Please summarize the events or occurrences giving rise to your complaint, and explain how you believe you were discriminated against (i.e., treated differently from other employees or applicants because of your RACE, SEX, COLOR, NATIONAL ORIGIN, RELIGION, AGE, OR HANDICAP). \* You should attach a copy of any documents that relate to your complaint, such as applications, resumes, notices of denial of employment or promotion, letters of reprimand, termination, etc.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

9. Corrective Action sought by you:

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10. Do you have an attorney or other person to represent you?  
\_\_\_\_\_. If yes, name and address of attorney:

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DISCRETIONARY CARRYING OF	:	<u>STANDING ORDER FIREARMS</u>
BY PROBATION OFFICERS	:	<u>NUMBER 17</u>

The carrying of a firearm by U.S. Probation Officers is governed by the criteria promulgated in the reports of the proceedings of the Judicial Conference of the United States held in Washington, D.C. March 6 and 7, 1975, and September 25 and 26, 1975. It is recognized that probation officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation officers have been the recipients of threats, both real and implied.

**IT IS, THEREFORE, ORDERED** that probation officers in the Middle District of North Carolina be authorized to carry a firearm in connection with their official duties by complying with the policy of the Judicial Conference of the United States (attached) and with additional policy of this district as follows:

**A. STANDARDS FOR AUTHORIZATION**

Before requesting permission to carry a firearm, the U.S. Probation Officer must determine that a visit in a particular case may reasonably place his life in jeopardy. Indicators of this would be cases with known records of assaultive behavior; clients who have directly or indirectly threatened the officer; clients who are unknown to the officer but who are resistive to treatment programs or conditions imposed; clients who reside in a high crime area; investigations in high crime incidence neighborhoods; investigations in isolated locations where there is an unknown factor; etc.

**B. PROCEDURES FOR OBTAINING AUTHORITY TO CARRY A FIREARM**

A written request will be submitted first to the SUSPO who will confer with the USPO. If the SUSPO approves, he will initial the request and forward to the CUSPO.

If approved by the CUSPO and SUSPO, the request will be forwarded to the Chief Judge. If the Chief Judge does not respond within 48 hours after receipt, the officer may carry the weapon for that visit and for future visits with the



client until there is a change in the situation.

**C. WEAPONS (Handgun Only)**

All weapons must be purchased by the USPO and must be compatible with .38 caliber ammunition. No weapon may be carried by a USPO on duty unless all requirements as set forth in this directive and the approved policy have been met. Ammunition must be standard issue.

**D. SECURITY**

The weapon must be secured under lock and key in a place designated at all times when not in the physical custody of the officer. At no time will the weapon be unattended or open to public display. When in use, the weapon will be carried in such a way so that it will not be visible to the public. It shall never be carried after USPO has consumed any alcoholic beverage.

**E. TRAINING**

Before carrying a weapon, each officer must successfully complete the district's prescribed course of training. The District's standards of training shall conform with standards promulgated by the Administrative office, tailored specifically to the needs of probation and pretrial services officers. Any officer who does not successfully qualify or re-qualify will not be permitted to carry a firearm.

**F. REPORT**

At any time a firearm is displayed in the course of an officer's official duty, other than for training purposes, a report must be filed with the CUSPO within 24 hours of the incident. Copies of the report will be submitted to the Chief Judge and the Probation Division, Administrative office of the United States Courts.

**G. UNDERSTANDING OF POLICY**

All probation officers shall understand the district firearms policy and shall furnish a signed copy to the CUSPO acknowledging this understanding.

**IT IS FURTHER ORDERED** that this Order shall remain in effect until  
revoked or modified by further order of this Court.

This 7th day of April, 1987

HIRIAM H. WARD

Chief U.S. District Court

RICHARD C. ERWIN

U.S. District Court

FRANK W. BULLOCK, JR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DISCRETIONARY CARRYING OF            )  
FIREARMS BY PROBATION OFFICERS)

STANDING ORDER  
NUMBER 17  
**(Modified)**

The carrying of a firearm by U. S. Probation Officers is governed by the criteria promulgated in the reports of the proceedings of the Judicial Conference of the United States held in Washington, D. C. March 6 and 7, 1975, and September 25 and 26, 1975 and any subsequent Judicial Conference whereby official policy was promulgated. It is recognized that probation officers are subject to serious risk of physical harm in the performance of their official duties. In the Middle District of North Carolina, probation officers have been the recipients of attempted assaults and threats, both real and implied. It is now, therefore, respectfully requested that probation officers in the Middle District of North Carolina be authorized to carry a firearm in connection with their official duties by complying with the policy of the Judicial Conference of the United States and with additional policy of this district as follows:

A. Standards for Authorization and Procedures for Obtaining Authority to Carry a Firearm

1. The law of the State of North Carolina permits the carrying of firearms by Probation officers.  
(Covered by G.S. 14-269)
2. The Probation Officer has presented to the Chief Probation officer sufficient reasons in writing why the carrying of the firearm is reasonably necessary: a.                    in the performance of his or her general duties, or b.                    i n   t h e performance of duty in a specified assignment.
3. The permission of the Chief Probation officer has been granted in writing.
4. The Chief Judge of the Court has been given actual notice in writing of the permission granted to carry a firearm, and has not objected within forty-eight hours of the notice.

B. Weapons

All weapons must be purchased by the USPO or furnished by the Administrative office of the United States Courts, and must be compatible with .38 caliber ammunition. No weapon may be carried by a USPO on duty unless all requirements as set forth in this directive and the approved policy have been met  
Ammunition must be standard issue.

C. Use of Firearm

Permission to carry a firearm may be granted only in accordance with the Judicial Conference Policy, and in this regard a Probation Officer may use a firearm only in the exercise of his or her rights of self-defense and in accordance with the law. No Probation officer may use a firearm unless all other remedies at defusing a hostile situation have failed and the officer believes that:

1. The Probation Officer's life is in jeopardy;
2. The use of the firearm is immediately necessary to preserve the life of the Probation Officer; and
3. No other alternative will allow a safe retreat.

D. Security

The weapon must be secured under lock and key in a designated place at all times when not in the physical custody of the officer. At no time will the weapon be unattended or open to public display. When in use, the weapon will be carried in such a way so that it will not be visible to the public. It shall never be carried after USPO has consumed any alcoholic beverage. The weapon is not to be left in the vehicle while the officer is on duty either in the field or the office.

E. Training

Probation Officers of the Middle District of North Carolina

shall not be granted permission to carry a firearm in the performance of their duties unless they have completed the approved District Firearms Training Program and have qualified thereunder to carry a firearm. Requalifications will be required on a six months basis after initial qualification. Probation Officers who fail to qualify or attend a make up required training session will be prohibited from carrying a firearm until re-certified or qualified. Probation officers wishing to qualify shall be required to read and sign copies of the District Firearms Policy. The original will be included in the Probation officer's file. In the discretion of the Chief Probation officer, permission to carry a weapon may be withdrawn from any Probation officer at any time.

F. Report

At any time a firearm is discharged or displayed in the course of an officer's official duty, other than for training purposes, a report must be filed with the CUSPO within 24 hours of the incident. Also, at any time a firearm is lost or stolen, the same reporting procedure must be followed. Copies of the report will be submitted to the Chief Judge and the Probation Division, Administrative Office of U. S. Courts.

G.     Understanding of Policy

All probation officers shall understand the District Firearms Policy and shall furnish a signed copy to the CUSPO acknowledging this understanding.

IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by further order of this Court.

This the 30th day of July 1991.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK, JR.  
U.S. District Judge

N. CARLTON TILLEY, JR  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

HIRIAM H. WARD  
Senior, U.S. District Judge

I HAVE READ AND CLEARLY UNDERSTAND  
STANDING ORDER NUMBER 17

\_\_\_\_\_  
U.S. Probation Officer                      (Date)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DISCRETIONARY CARRYING OF )  
FIREARMS BY PROBATION OFFICERS )

STANDING ORDER  
NUMBER 18

In further implementation of Section E, TRAINING, STANDING ORDER 17, entered April 7, 1987, the attached Firearms Training Course and Firearms Requalification Course are approved and adopted as the minimum training requirements which must be satisfactorily completed before a probation officer of this Court may carry a weapon.

This the 14th day of December, 1987.

HIRIAM H. WARD  
U.S. District Court

FRANK W. BULLOCK, JR  
U.S. District Court

RICHARD C. ERWIN  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge



## FIREARMS TRAINING COURSE

### U. S. PROBATION OFFICERS MIDDLE DISTRICT OF NORTH CAROLINA

1. Introduction to Firearms Training and Judicial Conference Policy (1 hour)
2. Revolver and Ammunition Nomenclature (1 hour)
3. General Firearms Safety (3 hours)
  - A. Handling Firearms
  - B. While Carrying a Holstered Weapon
  - C. While Revolver is Drawn in Street Situation
  - D. Loading and Unloading
  - E. Uncocking a Cocked Revolver
  - F. Dry Firing
  - G. Weapon Cleaning
  - H. Security and Storage
4. Legal Issues/Civil Liability (1 hour)
5. Marksmanship Fundamentals (2 hours)
6. Range Safety
7. Familiarization and Proficiency Courses
  - A. Preliminary Double Action Proficiency Course (2 hours)
  - B. Hip Shooting Course (1 - 1-1/2 hours)
8. Revolver Care and Cleaning (2 hours)
9. Written Examination (1 hour)
10. Practice Firing (2 hours)
  - A. Hip Shooting Course
  - B. Double Action Course
11. Qualification Firing (2 hours)
  - A. Hip Shooting Course (50 rounds, 80% accuracy required)
  - B. Double Action Course (50 rounds, 80% accuracy required)
12. Revolver Care and Cleaning (1 hour) - Practical Exercise

Firearms Training Course  
Page 2

Pursuant to the Probation Division of the Administrative Office and our own District Firearms Policy, all weapons must be purchased by the USPO and must be compatible with .38-caliber ammunition. Standard service issue will be .38-caliber 158-grain + P Lead Hollow Point ammunition. Probation Officers must qualify with the weapon that they carry. That is, you may not qualify with one weapon and then carry another in performance of your duties.

October 9, 1987

## FIREARMS REQUALIFICATION - MIDDLE DISTRICT OF NORTH CAROLINA

In order to insure safety, proficiency, and integrity pertaining to the District Firearms Policy, personnel will meet with the District Firearms Instructor on six-month intervals for firearms requalification. The purpose for requalification will be for weapon and holster inspections, dissemination of any new training material, re-execution of firearms safety rules, and to insure familiarization and proficiency in the use of firearms. Personnel will requalify using the most current approved courses of fire pursuant to the policy of the Probation Division of the Administrative Office of the United States Courts.

### FIREARMS REQUALIFICATION COURSE (ONE DAY ONLY):

1. Classroom Training (2 hours) - any new training material and/or training modifications from the Administrative Office of the Courts will be discussed and disseminated to insure sound guidance, support and compliance of those carrying weapons.
2. Firearms Safety (30 minutes)
  - A. Re-execution of firearms safety rules
  - B. General firearms safety
  - C. Range safety
3. Weapon and Holster Inspection (30 minutes)
4. Practice Firing (30 minutes)
5. Qualification Firing (2 hours)
  - A. Hip shooting course
  - B. Double action course
6. Revolver Care and Cleaning (1 hour) - practical exercise.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF	)	<u>STANDING ORDER</u>
PROBATION AND	)	<u>NUMBER 19</u>
SUPERVISED RELEASE	)	

This order supersedes Standing Order Number 19 dated January 25, 1995, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the standard conditions of *probation* and supervised release. Therefore, IT IS HEREBY ORDERED:

(1) That the conditions listed in AO Form 245B (3/95), Judgment in a Criminal Case, adopted by the Judicial Conference of the United States at its March, 1995 session, which is incorporated herein and made a part hereof by reference, are hereby adopted as the standard conditions of probation and supervised release when terms of probation or supervised release are imposed by this Court in any criminal case;

(2) That the Court may impose such special conditions of probation or supervised release as it deems necessary, which are reasonably related to the factors set forth in 18 U.S.C. § 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in 18 U.S.C. § 3553(a)(2);

(3) That the breach of any of the conditions of probation and supervised release set forth in AO Form 245B (3/95) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

(4) That the Court reserves the authority to impose sentence at any time during the period of supervision for cause or reason shown, or to revoke, change or modify any conditions of probation or supervised release, or reduce or extend the period of probation and supervised release.

IT IS FURTHER ORDERED that this order shall apply to all persons sentenced to probation or supervised release on or after August 1, 1995, and that this order shall remain in effect until revoked or modified by further order of the Court.

This 26th day of October 1995.

FRANK W. BULLOCK, JR.  
Chief Judge, U.S. District Court

HIRIAM H. WARD  
Senior U.S. District Judge

N. CARLTON TILLEY, JR  
U.S. District Judge

RICHARD C. ERWIN  
Senior U.S. District Judge

WILLIAM L. OSTEEN, JR.  
U.S. District Judge

JAMES A. BEATY, JR.  
U.S. District Judge

**Please note in the original Standing Order a copy of AO 245(b) follows.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF	)	<u>STANDING ORDER</u>
PROBATION AND	)	<u>NUMBER 19</u>
SUPERVISED RELEASE	)	

The following supersedes Standing Order Number 19 dated November 13, 1989, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the standard conditions of probation and supervised release. Therefore, IT IS HEREBY ORDERED:

(1) The conditions listed on Probation Form 7A (11/94), which is incorporated herein and made a part hereof by reference, are hereby adopted as the standard conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case;

(2) In addition to the standard conditions of probation and supervised release specified in Probation Form 7A (11/94), the Court may impose such special conditions of supervision as it deems necessary, which are reasonably related to the factors set forth in 18 U.S.C. 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in 18 U.S.C. 3553(a)(2);

(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (11/94) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

(4) The Court reserves the authority to impose sentence at any time

during the period of supervision for cause or reason shown, or to revoke, change or modify any conditions of probation or supervised release, or reduce or extend the period of probation and supervised release.

IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of the Court.

This 25th day of January 1995.

FRANK W. BULLOCK, JR.  
Chief Judge, U.S. District Court

HIRIAM H. WARD  
Senior U.S. District Judge

N. CARLTON TILLEY, JR  
U.S. District Judge

RICHARD C. ERWIN  
Senior U.S. District Judge

WILLIAM L. OSTEEN, JR.  
U.S. District Judge

JAMES A. BEATY, JR.  
U.S. District Judge

**Please note in the original Standing Order a copy of Probation Form 7A (11/94) follows.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF	)	<u>STANDING ORDER</u>
PROBATION AND	)	<u>NUMBER 19</u>
SUPERVISED RELEASE	)	

The following supersedes Standing Order Number 19 dated December 4, 1987, and is published under the same standing order number.

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the general conditions of probation and supervised release, IT IS HEREBY ORDERED:

(1) Probation Form 7A, dated (10/89), which is incorporated herein and made a part hereof by reference, is hereby adopted as the conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case. It is also a standard condition that the defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm;

(2) In addition to the general conditions of probation and supervised release specified in Probation Form 7A (10/89) imposed in criminal cases, the Court may impose such special conditions of supervision as it deems necessary, which are reasonably related to:

- (A) the nature and circumstances of the offense;
- (B) the history and characteristics of the offender;



- (C) the need to deter further criminal conduct; and
- (D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (10/89) shall be sufficient reason for revoking the order of probation and supervised release and bringing the offender again before the Court for further judgment;

(4) The Court reserves the power to impose sentence at any time during the period of supervision for cause or reason shown or to revoke, change or modify any condition of probation or supervised release, or reduce or extend the period of probation and supervised release.

IT IS FURTHER ORDERED that this order shall remain in effect until revoked or modified by further order of this Court.

This the 13th day of November 1989.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK  
U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

HIRIAM H. WARD  
Senior U.S. District Judge

**Please note in the original Standing Order a copy of Probation Form 7A (10/89) follows.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONDITIONS OF	)	<u>STANDING ORDER</u>
PROBATION AND	)	<u>NUMBER 19</u>
SUPERVISED RELEASE	)	

WHEREAS, for good cause appearing and for the orderly administration of justice, it is necessary to specify the general conditions of probation and supervised release, IT IS HEREBY ORDERED:

(1) Probation Form 7A, dated (9-87), which is incorporated herein and made a part hereof by reference, is hereby adopted as the conditions of probation and supervised release when terms of probation and/or supervised release are imposed by this Court in any criminal case;

(2) In addition to the general conditions of probation and supervised release specified in Probation Form 7A (9-87) imposed in criminal cases, the Court may impose such special conditions of supervised release as it deems necessary, including any condition that could be imposed as a condition of probation except the condition that the offender be placed in custody for intervals of time, which are reasonably related to:

(A) the nature and circumstances of the offense;

(B) the history and characteristics of the offender;

- (C) the need to deter further criminal conduct; and
- (D) the need to provide the offender with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

(3) The breach of any of the conditions of probation and supervised release set forth in Probation Form 7A (9-87) shall be sufficient reason for revoking the order of probation and supervised release and bringing the probationer again before the Court for further judgment;

(4) The breach of any special conditions of probation and supervised release ordered by the Court shall likewise be sufficient reason for revoking the order of probation and supervised release and bringing the probationer again before the Court for further judgment;

(5) The Court reserves the power to impose sentence at any time during the period of probation for cause or reason shown, or to revoke, change or modify any condition of probation or supervised release, or reduce or extend the period of probation and supervised release.

As a consequence of the foregoing, the order entered on the 12th day of January 1965, specifying the general conditions of probation, and standing order Number 15, IN RE: CONDITIONS OF SUPERVISED RELEASE, entered on the 3rd day of February, 1987 are REVOKED hereby.

IS FURTHER ORDERED that this order shall remain in effect until  
revoked or modified by further order of this Court.

This the 4th day of December 1987.

HIRIAM H. WARD  
U.S. District Court

FRANK W. BULLOCK, JR  
U.S. District Court

RICHARD C. ERWIN  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

**Please note in the original Standing Order a copy of Probation Form 7A  
(9/87) follows.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IMPLEMENTATION OF SENTENCING  
PROCEDURES UNDER THE SENTENCING  
REFORM ACT OF 1984

AMENDED  
STANDING ORDER  
NUMBER 20

This order supercedes Standing Order Number 20 dated December 4, 1987, and modified May 31, 1991, and is published under the same standing order number.

WHEREAS, to provide adequate time for the United States Probation Office to prepare the presentence investigation report, disclosure of the presentence investigation report to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the sentencing guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than 75 calendar days following a defendant's entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED AND ADJUDGED that the presentence investigation report, less any sentencing recommendation made by the probation officer, but including sentencing guideline computations, shall be completed and disclosed to the parties not less than 35 calendar days before the scheduled sentencing proceeding, unless this minimum period is waived by the Defendant. The presentence investigation report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered to the parties, (2) one day after the report's availability for inspection is orally communicated to the parties, or (3) three days after a copy of the report or notice of its availability is mailed to the parties. It is further
3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or material facts found in the presentence investigation report, or seeks the inclusion of additional factors or material facts, that party should notify the probation officer and the other party of such dispute, in writing, within 10 calendar days after disclosure of the presentence investigation report. It is the obligation of the complaining

party to seek resolution of such factors or material facts through the probation officer prior to filing the pleading referenced in paragraph 4, *infra*. A conference among the probation officer and the parties is mandatory when factors or material facts are in dispute. Resolution of disputed factors or material facts should be resolved to the extent possible, and informal procedures, to include telephone conferences, for this resolution process are permissible. A party with no disputes or objections should file a statement with the United States Probation Office, articulating that position. It is further

4. ORDERED AND ADJUDGED that within 20 calendar days after disclosure of the presentence investigation report, any party, Defendant and/or Government, having an unresolved dispute shall file a pleading entitled, "Position of Parties with Respect to Sentencing Factors", in accordance with Policy Statements 6A1.2 and 6A1.3 of the United States Sentencing Commission Guidelines Manual or any subsequent rules issued by the United States Sentencing Commission. This pleading shall serve as notice of any factor important to the sentencing determination that is reasonably in dispute. This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and the probation officer in a good faith effort to resolve the disputed matter(s). This pleading shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Officer and opposing counsel. The absence of a filing by either party at this time will be reported to the Court by the probation office and administratively handled by the United States Probation Office as no dispute. It is further
5. ORDERED AND ADJUDGED that not later than seven calendar days before the sentencing hearing, the United States Probation Office shall deliver to the Sentencing Judge the presentence investigation report, including sentencing guideline computations, together with an addendum setting forth any unresolved objections, the grounds for those objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence investigation report

and the addendum to the Defendant, defense counsel, and the attorney for the Government. It is further

6. ORDERED AND ADJUDGED that the presentence investigation report may be accepted by the Court as accurate if there are no unresolved factual disputes or objections. However, the Court, for good cause, may allow a new objection at any time prior to imposition of sentence. In resolving disputed facts, the Court may consider any reliable information presented by the Defendant, the Government or the probation officer. At the sentencing hearing, the Court must rule on any unresolved objections to the presentence investigation report. For each matter controverted, the Court must make either a finding on the allegation or a determination that no finding is necessary because the controverted matter will not be taken into account in, or will not affect, sentencing. A written record of these findings and determinations must be appended to any copy of the presentence investigation report made available to the Bureau of Prisons. It is further
7. ORDERED AND ADJUDGED that copies of the presentence investigation report having been duly disclosed shall remain in the possession of the Defendant, defense counsel, and the attorney for the Government. All parties are admonished to maintain the strict and essential standards of confidentiality. The report is to be maintained as a confidential court document. No further copies or dissemination of the report shall be made. Unauthorized copying or disclosure will be treated as an act of contempt and will be punished accordingly.

IT IS THEREFORE ORDERED that this Order modifies Standing Order Number 20, dated December 4, 1987, as modified May 31, 1991, and shall remain in effect until revoked or again modified by further order of this Court.

This the 4th day of November 1994.

FRANK W. BULLOCK, JR.

Chief Judge, U.S. District Court

EUGENE A. GORDON

Senior U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

WILLIAM L. OSTEEN, JR.  
U.S. District Judge

RICHARD C. ERWIN  
Senior U.S. District Judge



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IMPLEMENTATION OF SENTENCING  
PROCEDURES UNDER THE SENTENCING  
REFORM ACT OF 1984

STANDING ORDER  
NUMBER 20

WHEREAS, on the 4th day of December, 1987, an order was entered and filed as part of the minutes of the Court specifying the procedures for governing sentencing proceedings under the Sentencing Reform Act of 1984 and any subsequent amendments,

WHEREAS, to provide adequate time for the United States Probation Office's preparation of the presentence investigation report, disclosure of the presentence report to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the Sentencing Guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than sixty-five (65) calendar days following entry of a guilty plea or a verdict of guilty. It is further

2. ORDERED AND ADJUDGED that the presentence investigation report, including guideline computations, shall be completed and disclosed to the parties at least twenty-five (25) calendar days prior to the scheduled sentencing proceeding, unless the minimum period is waived by the Defendant. This timetable contemplates that the presentence report will be completed and disclosed to the parties on or about the thirty-fifth (35) calendar day following the Defendant's adjudication of guilt. The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after a copy of the report or notice of its availability is mailed. It is further

3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or material facts, or seeks the inclusion of additional factors or material facts, that party should notify the Probation Officer of such dispute, in writing, within ten (10) days after disclosure of the presentence report. It is the obligation of the complaining party to seek resolution of such factors or material facts through the U. S. Probation Officer prior to filing the pleading referenced in paragraph 4, *infra*. A presentence conference is mandatory when factors or material facts are in dispute. Resolution of disputed factors or material facts should be resolved -to the extent possible - through informal procedures, to include telephone conferences. it is further

4. ORDERED AND ADJUDGED that within twenty (20) calendar days after disclosure of the presentence report, any party, Defendant and/or Government, having an unresolved dispute shall file a pleading entitled "Position of Parties With Respect to Sentencing Factors", in accordance with 6A1.2 and 6A1.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987 and Nov. 1990) or any subsequent rules and policies issued by the United States Sentencing Commission. This filing shall serve as notice of any "factor important to the sentencing determination (that) ..is reasonably in dispute" This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and the U. S. Probation Officer in a good faith effort to resolve the disputed matter(s). The "Position With Respect to Sentencing Factors" shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Officer and opposing counsel. A party with no dispute or objection should file a statement with the U. S. Probation Office, articulating that position. The absence of a filing by either party at this time, will be reported to the Court by the U. S. Probation Officer and administratively handled by the Probation office as no dispute. It is further

5. ORDERED that the United States Probation office shall deliver to the Sentencing Judge the presentence report, including guideline computations, and an addendum, where applicable, reflecting any unresolved factual disputes or objections by any party. It is further

6. ORDERED AND ADJUDGED that the presentence report may then be accepted by the Court as accurate if there are no unresolved factual disputes or objections. However, the Court for good cause, may allow a new objection at any time prior to imposition of sentence. In resolving disputed facts, the Court may consider any reliable information presented by the Defendant, the Government or the Probation Officer. It is further Ordered that

7. When there are unresolved factors or material facts, the Sentencing Judge, at least three (3) days prior to sentencing will advise the parties, through the U. S. Probation office as to the "tentative findings" in accordance with 6A1.2 and 6A1.3 of the Sentencing Guidelines and Policy Statements. It shall be the responsibility of the defense counsel and/or the prosecutor to contact the United States Probation Office to obtain copies of the tentative findings. It is further

8. ORDERED AND ADJUDGED that copies of the presentence report having been duly disclosed shall remain in the possession of the Defendant/Counsel and the Prosecution. All parties are admonished to maintain the strict and essential standards of confidentiality. The document is to be maintained as a confidential court document. No further copies or dissemination of the report shall be made. Unauthorized copying or disclosure will be treated as an act of

contempt and will be punished accordingly.

IT IS THEREFORE ORDERED that this Order modify Standing Order #20, dated December 4, 1987 and shall remain in effect until revoked or again modified by further order of this Court.

This the 31st day of May 1991.

RICHARD C. ERWIN

Chief Judge, U.S. District Court

FRANK W. BULLOCK

U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IMPLEMENTATION OF SENTENCING  
PROCEDURES UNDER THE *SENTENCING*  
REFORM ACT OF 1984

STANDING ORDER  
NUMBER 20

Upon consideration of various alternative proposals, the following procedures are hereby established to govern sentencing proceedings under the Sentencing Reform Act of 1984.

WHEREAS, to provide adequate time for the United States Probation Office's preparation of the presentence investigation report (PSI), disclosure of the PSI to the parties, the filing of presentence submissions by the parties, and such other and further procedures contemplated by the Sentencing Guidelines and this Order, it is hereby

1. ORDERED AND ADJUDGED that sentencing proceedings shall be scheduled by each District Judge no earlier than sixty (60) days following entry of a guilty plea or a verdict of guilty. It is further
2. ORDERED AND ADJUDGED that the presentence investigation report, including guideline computations, shall be completed and disclosed to the parties at least twenty-five (25) days prior to the scheduled sentencing proceeding, unless the minimum period is waived by the Defendant. This timetable contemplates that the PSI will be completed and disclosed to the parties at or

before the thirty-fifth (35) day following the Defendant's adjudication of guilt. The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after a copy of the report or notice of its availability is mailed. It is further

3. ORDERED AND ADJUDGED that if a party reasonably disputes sentencing factors or facts material to sentencing, or seeks the inclusion of additional factors or facts material to sentencing in the PSI, that party should notify the Probation Officer of such dispute, in writing, within ten (10) days after disclosure of the presentence investigation report. it is the obligation of the complaining party to seek administrative resolution of such factors or facts through the United States Probation Office prior to filing the pleading referenced in paragraphs 4-5, infra. A presentence conference is mandatory except when sentencing factors or facts material to sentencing are not in dispute. informal resolution of disputed factors or facts material to sentencing should be resolved - to the extent

practicable --through informal procedures, including telephone conferences. It is further

4. ORDERED AND ADJUDGED that within fifteen (15) days after disclosure of the presentence investigation report to the parties, counsel for the Defendant and the Government shall file a pleading entitled, "Position of Parties With Respect to Sentencing Factors", in accordance with 6A1.2 of the Sentencing Guidelines and Policy Statements (Oct. 1987) or in accordance with subsequent rules and policies published by the United States Sentencing Commission. This filing will not be later than the fiftieth (50) day following the Defendant's adjudication of guilt. This pleading shall be accompanied by a written statement certifying that the party has conferred with opposing counsel and with the United States Probation Officer in a good faith effort to resolve the disputed matter(s). The "Position of Parties With Respect to Sentencing Factors" pleadings shall be filed with the Clerk of Court and contemporaneously served upon the United States Probation Office and opposing counsel on or before the fiftieth (50) day following the Defendant's adjudication of guilt. it is further

5. ORDERED AND ADJUDGED as part of the "Position of Parties With Respect to Sentencing Factors" pleading, the attorneys for the parties shall also file, if indicated in the particular case, notice of any "factor important to the sentencing determination (which) is reasonably in dispute" in accordance with 6A1.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987) or subsequent rules and policies published by the United States Sentencing Commission. It is further
6. ORDERED AND ADJUDGED that the United States Probation Office shall transmit to the Sentencing Judge the presentence investigation report, including guideline computations, and an addendum indicating any unresolved factual disputes or objections by the parties with respect to the application of the guidelines. It is further
7. ORDERED AND ADJUDGED that except with regard to any objection made under subdivision 4 or 5 that has not been resolved, the report of the presentence investigation may be accepted by the Court as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed facts, the Court

may consider any reliable information presented by the Probation Officer, the Defendant, or the Government. It is further

8. ORDERED AND ADJUDGED that when there are disputed factors or facts, three (3) days prior to the scheduled sentencing proceeding, the Sentencing Judge will advise the parties, through the United States Probation Office as to its "tentative findings" under 6A1.2-.3 of the Sentencing Guidelines and Policy Statements (Oct. 1987). It is the responsibility of the defense counsel and prosecutors to contact the United States Probation Office three (3) days prior to the scheduled proceeding in order to obtain copies of the Court's tentative findings regarding any disputed factors or facts. The Court will prescribe a form for Sentencing judges to use in transmitting such notices and tentative findings to the United States Probation office. It is further

9. ORDERED AND ADJUDGED that the aggrieved parties will have a reasonable opportunity in advance of sentencing to respond to the Sentencing Judge's notice of tentative findings regarding disputed factors or facts. The manner and form of such responses by the parties are subject to the



informed discretion of each Sentencing judge on a case by case basis. It is further

10. ORDERED AND ADJUDGED that all copies of the presentence investigation report provided to the parties shall be returned to the United States Probation Office after completion of the sentencing proceeding. No copies or any dissemination of the PSI, a confidential court document, or information contained therein shall be made. Unauthorized copying or disclosure will be an act in contempt of Court and will be punished accordingly.

IT IS FURTHER ORDERED that this Order shall remain in effect until revoked **or** modified by further order of this Court.

This the 4th day of December 1987.

HIRIAM H. WARD  
Chief U.S. District Court

RICHARD C. ERWIN  
U.S. District Court

FRANK W. BULLOCK, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO.

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	NOTICE OF TENTATIVE FACTS AND
	)	SENTENCING FACTORS TO BE RELIED
VS.	)	UPON BY THE DISTRICT JUDGE IN
	)	<u>IMPOSING SENTENCE</u>
	)	
Defendant(s)	)	

Pursuant to Standing Order \_\_\_\_\_, the Court hereby notifies the parties and the United States Probation Office as to the tentative facts and sentencing factors to be relied upon by the Court in imposing sentence.

1. The Defendant/Government has registered objections in accordance with procedures mandated by this Court with respect to the following disputed facts:

- A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- C. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- D. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. (Add additional sheets, if indicated).

2. Upon initial consideration of such objections, the Court will tentatively treat the objections in the following manner (Check appropriate box):

( ) A. The Court adopts the facts as stated in  
the Presentence Investigation Report.

( ) B. The Court adopts the position of the  
complaining party as to:

\_\_\_\_\_  
\_\_\_\_\_

3. The parties are directed to confer with the United States Probation Office regarding this notice.

DONE AND ORDERED in Chambers this \_\_\_\_ day of \_\_\_\_\_, 19

\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Defense Counsel  
Assistant United States Attorney  
United States Probation office

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:	CONFIDENTIALITY	)	
	OF PRESENTENCE	)	<u>STANDING ORDER</u>
	REPORTS	)	<u>NUMBER 21</u>

The following supersedes Standing Order Number 21 dated March 29, 1988, and is published under the same standing order number.

In order to provide for the effective administration of justice and preserve the confidentiality of Probation Office recommendations to the Court, IT IS ORDERED that:

Presentence reports prepared by the Probation Office and any response or objection thereto shall be filed under seal in the office of the clerk of court and shall be visible only to court personnel, attorneys of record in the particular case to which the presentence report relates, and defendants to whom the particular presentence report relates. Such records shall not be made available to the public.

In the event of an appeal, records relating to the presentence report shall be transmitted to the United States Court of Appeals for the Fourth Circuit under seal and it is requested that such records be accorded the same degree of confidentiality upon appeal as they are afforded in this District. The Probation Office shall, upon request, provide a copy of the presentence report to counsel for the defendant and the government. The presentence report shall enjoy the same

confidentiality standards which are described in paragraph 10 of Standing Order Number 20 and shall be returned to the U. S. Probation Office immediately after a decision or final argument on appeal, whichever shall occur first.

This the 2nd day of June 1989.

RICHARD C. ERWIN

Chief Judge, U.S. District Court

FRANK W. BULLOCK

U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: CONFIDENTIALITY	)	
OF PRESENTENCE	)	<u>STANDING ORDER</u>
REPORTS	)	<u>NUMBER 21</u>

In order to provide for the effective administration of justice and preserve the confidentiality of Probation office recommendations to the Court, **IT IS ORDERED** that:

Presentence reports prepared by the Probation office and any response or objection thereto shall be filed under seal in the office of the clerk of court and shall be visible only to court personnel, attorneys of record in the particular case to which the presentence report relates, and defendants to whom the particular presentence report relates. Such records shall not be made available to the public. In the event of an appeal, records relating to the presentence report shall be transmitted to the United States Court of Appeals for the Fourth Circuit under seal and it is requested that such records be accorded the same degree of confidentiality upon appeal as they are afforded in this District.

This the 29th day of March 1988.

HIRIAM H. WARD  
Chief U.S. District Court

RICHARD C. ERWIN  
U.S. District Court

FRANK W. BULLOCK, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: COURT SECURITY

)  
)  
)

STANDING ORDER  
NUMBER 22

In order to provide for the effective administration of justice and the security of this Court, IT IS ORDERED that:

Firearms, or weapons, or any device that may be used as a weapon are prohibited in any courtroom in this District: except those possessed by a member or employee of the United States Marshal's Service; or those possessed by a credentialed law enforcement officer or agent of the United States with the express prior approval, on a case by case basis, of the United States Marshal or his designee.

This the 2nd day of December 1988.

RICHARD C. ERWIN

Chief Judge, U.S. District Court

FRANK W. BULLOCK

U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: U. S. PROBATION	)	<u>STANDING</u> ORDER
OFFICER'S SUPERVISION	)	<u>NUMBER 23</u>
OF HIV CLIENTS	)	

In order to provide for the effective supervision of clients of Probation Officers and specifically to provide guidance to probation officers who are supervising individuals on probation, bond supervision, parole, military parole, and supervised release, who are known to have tested positive for antibody exposure to the Human Immunodeficiency Virus (HIV) or who have developed symptomatic HIV disease, including Acquired Immune Deficiency Syndrome (AIDS), IT IS ORDERED THAT:

The Probation Officer shall, if possible, first attempt to have the supervisee give informed written consent authorizing the release of information about HIV infection to the U. S. Marshal, residential facilities, halfway houses, and jails. In the absence of such written consent, this information shall be disclosed to the U. S. Marshal when a violator's warrant is issued and to the health care provider and/or supervisor of the halfway house or jail facility when the supervisee is placed in their custody.

This the 27th day of July 1989.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK  
U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

HIRIAM H. WARD  
Senior U.S. District Judge



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CONDITIONS OF            )  
HOME DETENTION        )            STANDING ORDER  
  NUMBER 24

WHEREAS, home detention may be imposed as a condition of probation or supervised release as a substitute for imprisonment pursuant to 5F1.1 of the Guidelines Manual of the United States Sentencing Commission and 5C1.1(c) and (d) of the Manual provide two instances where the substitution of home detention for imprisonment may be appropriate, and

WHEREAS, the use of this alternative would be one way of conserving the limited resource of prison and jail space, it is hereby ordered that the attached form entitled Conditions of Home Detention, United States District Court for the Middle District of North Carolina, dated January 1990, be adopted as the standard conditions of home detention for this Court.

It is further ordered that this Order shall remain in effect until revoked or modified by further order of this Court.

This the 26th day of January 1990.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK  
U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

HIRIAM H. WARD  
Senior U.S. District Judge

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

Name: \_\_\_\_\_ Docket No. \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

CONDITIONS OF HOME DETENTION

The United States District Court for the Middle District of North Carolina has ordered as a special condition of probation/supervised release that you be confined to your residence for a period of \_\_\_\_ months. This condition has been imposed as an alternative to incarceration, and you will be under the strict supervision of the United States Probation Office. Any absence from your residence, except as expressly permitted, must be approved in advance by your probation officer. Home detention rules and guidelines are as follows:

- 1) You are restricted to your home and lot except in case of medical emergency or as permitted to leave below;
- 2) You may leave your residence to work at an approved job, perform public service work as approved, or visit the probation office, but must take a direct route with no side trips unless authorized;
- 3) You may leave your residence for non-emergency medical and dental treatment upon notification to the probation officer;
- 4) You may attend religious services and other related functions subject to the approval of your probation officer;
- 5) You may leave your residence to take care of family business if no other family member is available for such purpose, with the approval of the probation officer;
- 6) You may have visitors, but must log all non-family visitors and submit such to the probation officer each Monday;
- 7) You must maintain a daily log of your activities and submit such to the probation officer each Monday;
- 8) You must report in person to the probation office every two weeks unless excused by your probation officer;
- 9) You must call in to the probation office each workday, Monday through Friday;

- 10) The probation officer will make periodic visits and telephone calls to your residence at any time;
- 11) You are prohibited from having call-forwarding unless approved by your probation officer and may be required to produce telephone bills upon request.
- 12) You will also abide by all standard and additional special conditions of probation/supervised release as imposed by the Court.

The Court may modify these conditions at any time. Home detention should be considered an alternative to incarceration which has allowed you to remain with your family, continue employment, and stay within the friendly confines of your home. It is a serious matter and should be treated as such. Failure to abide by these rules will be reported to the Court and could expose you to a prison sentence.

I have read, or have had read to me, the aforementioned rules of home detention. I fully understand them and will abide by them.

(Signed) \_\_\_\_\_  
Probationer/Releasee                      Date

(Witnessed) \_\_\_\_\_  
U. S. Probation officer                      Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 25

IN RE: MINIMUM  
REQUIREMENTS FOR  
REPORTING VIOLATIONS  
PROBATION AND  
SUPERVISED RELEASE

Whereas effective November 1, 1990, the United States Sentencing Commission promulgated policy statements applicable to the revocation of probation and supervised release, in order to provide guidance while allowing for the identification of any substantive or procedural issues that require further review before specific revocation guidelines are established.

FOR GOOD CAUSE, appearing to the Court, and for the continuation of the orderly administration and supervision of probation and supervised release cases, IT IS NOW

Ordered that the Court establish certain minimum requirements for reporting violations of probation and supervised release consistent with the pertinent policy statements of the Sentencing Commission pursuant to 28 U.S.C. 994(a) and consistent with provisions set forth in 18 U.S.C. 3583 for supervised release, and in U.S.C. 3563 for probation; and further reasonably related to 18 U.S.C. 3553, as detailed in the accompanying attachment, and described in Standing Order 19 of this Court dated November 13, 1989.

IT IS FURTHER ORDERED:

(a) That the breach of any of the conditions of probation and supervised release set forth in Standing Order 19 of this Court that meet the criteria now established in the attached policy for minimum standards shall I be sufficient reason for revoking the order of probation and/or supervised release and bringing the offender again before the Court for further judgment.

(b) That the U. S. Sentencing Commission in its policy statement has set forth categorizations of violations for probation and supervised release in three (3) broad classifications A, B and C ranging from new felony conduct to less serious criminal conduct and technical violations. As such, the Court further directs that upon an affirmed allegation by a U. S. Probation officer of a Grade A or B violation, such violation shall be promptly reported to the Court. A Grade C violation must also be promptly reported to the Court unless the Probation officer makes an affirmative determination that the alleged violation meets the criteria for non-reporting within just cause and reasonability as denoted in the attached minimum requirements as determined by the probation office and this Court.

(c) In implementing these minimum requirements, it is ordered and adjudged that a violation report be furnished the defendant, his attorney, the U. S. Attorney and the Court at least 10 days prior to the revocation hearing. This timetable contemplates that the aggrieved as well as all other parties will have adequate time before sentencing to prepare for the hearing.

This Order shall remain in effect until revoked, but is subject to any modification by further order of the Court.

This the 28th day of January, 1991.

RICHARD C. ERWIN

Chief Judge, U.S. District Court

FRANK W. BULLOCK

U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

December 13, 1990

MIDDLE DISTRICT OF NORTH CAROLINA: Policy/Minimum requirements for reporting violations

GRADE A VIOLATIONS - Mandatory report required:

Conduct constituting federal, state or local offense punishable by a term or imprisonment exceeding twenty (20) years.

Conduct constituting a federal, state or local offense punishable by a term of imprisonment exceeding one (1) year that (a) is a crime of violence, (b) is a controlled substance violation, or (c) involves possession of a firearm or destructive device described in 26 USC 5845(a).

GRADE B VIOLATIONS - Mandatory report required:

Conduct constituting any other federal, state or local offense punishable by a term of imprisonment exceeding one year.

GRADE C VIOLATIONS - Mandatory report required:

1. Failure to report in person within ten (10) working days of release from custody and whereabouts are unknown.
2. Arrest for any law violation (punishable by imprisonment of one (1) year or less) if conduct involved violence, firearms, controlled substances or DWI/DUI.
3. Absconder from supervision for more than 30 days.
4. Confirmed positive urinalysis.
5. Travel out of the District w/o authorization and failing to return within fifteen (15) working days.
6. Restitution or fine in default.
7. Association with person(s) engaged in criminal activity being previously warned by PO.
8. Entering into an agreement to act as an informer or a Special Agent of any law enforcement agency w/o permission of the Court.
9. Failure to cooperatively participate in required CCC program, or comply with court ordered sanctions of Home Detention (to include electronic monitoring), or failure to perform court ordered community service.

GRADE C VIOLATIONS - Mandatory report required if two (2) willful

violations occur within a six (6), month period:

GRADE C VIOLATIONS (Continued)

1. Failure to comply with requirements of court ordered substance abuse treatment program.
2. Failure to comply with requirements of court ordered mental health treatment program.
3. Failure to comply with any other, Special Condition denoting risk control and/or correctional treatment.
4. Any violation of the law constituting a federal, state or local offense punishable by a term of imprisonment of 1 year or less (other than those offenses involving violence, firearms, possession of controlled substance or DWI/DUE.)
5. Association with a felon w/o permission, of PO, and after being previously warned.
6. Leaving the District w/o permission of PO.
7. Failure to submit a urine specimen upon demand.

GRADE C VIOLATIONS - Mandatory report required if three (3) willful violations within twelve (12) month period:

1. Failure to submit a truthful and complete written report within first ten (10) of month.
2. Failure to report as directed.
3. Failure to notify PO within 72 hours of being arrested or questioned by a law enforcement officer
4. Failure to notify PO within 72 hours of any change in residence or employment.
5. Failure to work at, and/or maintain suitable employment.
6. Failure to support legal dependents or manage other family responsibilities.
7. Excessive use of alcohol.

(a combination of three (3) or more of the above violations occurring within a 12 month period will mandate a report.)

wbjr



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
PROBATION OFFICE

WALTER BLACK, JR.  
CHIEF PROBATION OFFICER

December 20, 1990

The Honorable Richard C. Erwin, Chief Judge  
United States District Court  
251 North Main Street, Suite 223-A  
Winston-Salem, North Carolina 27101

Dear Judge Erwin:

After careful deliberation and much consternation, we are presenting the attached documents as an interim plan for probation/supervised release supervision as a primary method to consider the recent U. S. Sentencing Commission policy statements. Please observe that the Commission issued only policy statements and as such they are not law and for the Court to be compliant, only judicial consideration of the policy statements is necessary before sentencing in a revocation matter.

Although there are small differences in probation and supervised release conditions, the Commission elected to develop a single set of policy statements for both. The Commission views the policy statements as the first step in an evolving process. Also, these policy statements should allow for greater flexibility in their initial application.

In our attempt to maintain a defined posture in the milieu of these ongoing changes, we have attempted to postulate a set of minimum standards to guide us in this evolutionary process. These standards are to help us absorb the impact of the policy statements and to some degree control our demands on the Court.

It is our feeling that these standards provide an encompassing aspect of our daily supervision needs. Presently, we use these standards in assessing our probation and parole clients and the policy statements are no more than an extension of our evaluative tools.

In the recently published policy statements, the Sentencing Commission directs that alleged Class A and B violators be promptly reported to the Court. Grade C violators are to be promptly reported unless the probation officer determines (1) that such violation is minor and not a part of a continuing pattern of violations and (2) non reporting will not present an undue risk to an individual or the public.

The Honorable Richard C. Erwin, Chief Judge Page 2  
December 20, 1990

The documents we are presenting to you are intended to give us a local

policy in which we can operate. Hopefully, the Chief Probation Officer will reserve the responsibility of forwarding violations to the Court. The U. S. Probation office will closely adhere to the criteria we are now presenting. The local criteria when combined with the commission's policy recommendations will allow for the control of violation matters being constantly thrust upon the Court.

The proposed Standing Order is offered only as an interim measure to undergird our local criteria. Likewise, at the time specific guidelines are subsequently rendered by the Commission, we might only need to amend or update our Standing Order with only minor interruption.

Thanks for considering this proposal and should you need more details or information, please do not hesitate to contact us. We look forward to discussing this matter with you if necessary.

Sincerely,

WALTER BLACK,  
Chief U. S. Probation officer

WE/br

Attachments:

1. Proposed Standing order (Draft)
2. Proposed Minimum Requirements
3. Format for Informal Violation Report

## VIOLATION REPORT

Name: \_\_\_\_\_

Judge: \_\_\_\_\_ Docket #: \_\_\_\_\_

Date Received: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

NATURE OF VIOLATION(S) AND OFFICER'S EVIDENCE:

PREVIOUS VIOLATIONS REPORTED TO COURT:

**9** NONE

Violation

Date Reported

ACTION RECOMMENDED BY OFFICER:

DECISION OF JUDGE: **9** Agree with Officer's Recommendation

**9** Take Following Action:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SUSPO

\_\_\_\_\_  
DATE

USPO

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

ADMISSION OF LAW  
CLERKS

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)  
)

STANDING ORDER NO. 26

Upon the admission of a law clerk of a judge of this court to practice before this court, the fee for admission to practice is waived.

This 19th day of December 1991.

RICHARD C. ERWIN

Chief Judge, U.S. District Court

FRANK W. BULLOCK, Jr.

U.S. District Judge

N. CARLTON TILLEY, JR.

U.S. District Judge

WILLIAM L. OSTEEN, SR.

U.S. District Judge

EUGENE A. GORDON

Senior U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANDING ORDER NUMBER 27  
IN THE MATTER OF TRANSCRIPT RATES

Pursuant to a resolution adopted by the Judicial Conference of the United States at its September 1990 session, the following maximum allowable transcript rates are approved and effective in this District as of April 15, 1992, and until such time as the fee structure is further reviewed by the Judicial Conference of the United States:

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Additional Copy to the Same Party</u>
Ordinary Transcript	\$3.00	\$ .75	\$ .50
Expedited Transcript	4.00	.75	.50
Daily Transcript	5.00	1.00	.75
Hourly Transcript	6.00	1.00	.75

Said maximum allowable transcript rates will apply to any government-paid transcripts, as well as transcript paid for by private parties.

Transcripts may be sold in computer diskette form in ASCII format, or other format requested by the ordering party and agreed to by the court reporter, whether they represent originals, first copies, or additional copies.

No additional charge is permitted for the cost of the diskette itself.

Each page of transcript sold on diskettes must be formatted consistent with the Judicial Conference's approved transcript format guidelines, and diskettes may not contain any protection or programming codes that would prevent copying or transferring the data.

The transcript copy filed with the clerk of court pursuant to 28

U.S.C. § 753 (b) must be on paper; diskettes may be sold only if a paper copy is produced, certified, and filed with the clerk of court for the records of the court; and transcripts sold on diskettes must be identical to the paper transcripts filed with the clerk of court.

Court reporters who do not have CAT or suitable word processing equipment are not required to provide diskettes of transcripts to parties.

Court reporters must continue to produce paper originals and paper copies at the Judicial Conference rates when ordered by parties.

This 31st day of March, 1992.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK, Jr.  
U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

WILLIAM L. OSTEN, SR.  
U.S. District Judge

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

Re:

ENTRY OF JUDGMENTS AND	:	
INJUNCTIONS WHEN INTEGRATED	:	STANDING ORDER NO. 28
CASE MANAGEMENT SYSTEM (ICMS)	:	
IS DOWN	:	

If, during the time the ICMS docketing system is down (inoperable), a need arises for the entry of a judgment on the docket without further delay, the clerk's office will enter judgments on a manual (paper) docket and distribute copies to all parties as required.

When ICMS is again usable, the manual docket entries shall be transferred to the system and the manual copy of the docket shall be filed on the left of the court file.

Upon the receipt of a temporary restraining order or a preliminary injunction order in the clerk's office, the order shall be immediately filed and docketed on a manual docket if ICMS is down. As soon as the automated system is operable, the entries shall be transferred to the automated system and the paper docket filed as set forth above.

This the 31st day of August 1992.

RICHARD C. ERWIN  
Chief Judge, U.S. District Court

FRANK W. BULLOCK, Jr.  
U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

WILLIAM L. OSTEEN, SR.  
U.S. District Judge

EUGENE A. GORDON  
Senior U.S. District Judge

HIRIAM H. WARD  
Senior U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DESIGNATION OF NON-SMOKING  
AREA IN COURTHOUSE

)  
)  
)

STANDING ORDER NO.29

It appearing to the court that because of the general building design and the location of the courtroom and related facilities on the second floor of the United States Courthouse in Greensboro, North Carolina, smoking in the hallways and corridors is creating an unpleasant situation in the hallways, corridors, courtroom, and some adjoining rooms;

NOW, THEREFORE, in order to provide a more pleasant environment for persons using certain facilities on the second floor, IT IS ORDERED that smoking is PROHIBITED at all times in the hallways, corridors, and restroom facilities of the second floor of the United States Courthouse in Greensboro, North Carolina.

This the 10th day of November, 1992.

FRANK W. BULLOCK, JR.  
Chief Judge, U.S. District Court

EUGENE A. GORDON  
Senior U.S. District Judge

N. CARLTON TILLEY, JR.  
U.S. District Judge

HIRIAM H. WARD  
Senior U.S. District Judge

WILLIAM L. OSTEEEN, JR.  
U.S. District Judge

RICHARD C. ERWIN  
Senior U.S. District Judge



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RE: MODIFICATION OF )  
CIVIL CASE ASSIGNMENT ) STANDING ORDER NO. 30  
PLAN )

In order to alleviate the backlog of civil cases, which has been created by the extremely heavy and time-consuming criminal docket of this court, and attain the objectives of the Civil Justice Reform Act of 1990 of reducing delays in the trial of civil cases, it is necessary to modify the Civil Case Assignment Plan of this district to more effectively benefit from the talents and abilities of the magistrate judges of this court in the disposition and trial of civil cases. Before making this modification the district judges have found that Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over ten years have regularly handled civil cases from discovery through dispositive motions and trial. They are fully qualified to rule upon and try any civil case arising before this court. Accordingly:

1. One case out of each thirteen cases, excluding cases arising under 28 U.S.C. 2255 and appeals from Bankruptcy Court, will be randomly assigned to each magistrate judge to conduct all proceedings, including the ultimate trial upon consent. A district judge will be paired with each case assigned to a magistrate judge at the time the case is initially assigned. The pairing of district judges in these cases will be rotated so that the same judge is not always paired with

the same magistrate judge. The name of the district judge paired on a particular case will not be disclosed by the clerk's office.

2. The magistrate judge to whom the case is assigned will rule or make recommendations upon all motions, both non-dispositive and dispositive. If either party objects to a decision of the magistrate judge on a motion prior to trial in a case wherein consent has not been given, the objection will be ruled upon by the district judge paired with the magistrate judge. Subsequent motions in the case will be referred to the magistrate judge for ruling or recommendation.

3. When the issues are joined in these cases, the parties shall be given notice of this administrative assignment. The notice and forms sent to the parties shall inform them of their opportunity to consent to the trial jurisdiction of the magistrate judge, their duty to communicate their decision to the Clerk, and the fact that a failure to respond timely will be deemed a consent to the magistrate judge's complete jurisdiction. The notice and forms shall be substantially in the form of the attachments to this Order.

4. The Clerk shall hold confidential the decisions of the parties on the issue of consent, and shall not inform any district judge or magistrate judge of the parties, responses unless all parties consent, by affirmative response or failure to respond.

5. If all parties consent to the trial jurisdiction of a magistrate judge, the Clerk shall prepare for the Chief Judge an Order of Reference pursuant to 28 U.S.C. 636(c). On entry of such an order, the Clerk shall file any responses that have been submitted by the parties.

6. Appeal of a judgment entered by a magistrate judge will be to the Court of Appeals of the Fourth Circuit.

7. This rule shall be interpreted and enforced so as to protect the voluntariness of the parties' consent. No official of the court shall take any action that implies that the parties are not free to withhold consent without adverse substantive consequences.

This modification of the Case Assignment Plan for this district will take effect January 19, 1993.

This the 8th day of January 1993.

FRANK W. BULLOCK, JR.

Chief Judge, U.S. District Court

EUGENE A. GORDON

Senior U.S. District Judge

N. CARLTON TILLEY, JR

U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

WILLIAM L. OSTEEEN, JR.

U.S. District Judge

RICHARD C. ERWIN

Senior U.S. District Judge

United States District Court  
Middle District North Carolina  
Post Office Box 3223  
Greensboro, North Carolina 27402

\_\_\_\_\_ 1993

Chambers of  
Frank W. Bullock, Jr.  
Chief Judge

Dear Counsel:

RE: \_\_\_\_\_ V. \_\_\_\_\_  
\_\_\_\_\_ :93CV000\_\_\_\_\_

The above-entitled case has been randomly selected and administratively assigned to Magistrate Judge \_\_\_\_\_ to conduct all proceedings, including the ultimate trial if necessary. Because of the dramatic increase in the number of criminal cases in recent years, district judges have had to give priority to the criminal docket as required by law. Under these circumstances your case can experience a significant delay, which can result in cost increases, before it can be tried by a district judge. Congress's enactment of the Civil Justice Reform Act has required the court to give increased attention to addressing costs and delays in resolving civil disputes. The Judicial Conference of the United States has encouraged the designation of magistrate judges to conduct all proceedings in civil cases, both jury and non-jury.

Magistrate Judges Russell A. Eliason and P. Trevor Sharp are experienced judicial officers who for over ten years have regularly handled civil cases from discovery through dispositive motions and trial. Trial before a magistrate judge, in addition to an earlier trial date, will also enable the court to give counsel and the parties a special setting. Appeal from a judgment entered by a magistrate judge will be to the Court of Appeals for the Fourth Circuit.

After discussion with your client, please return the enclosed decision form to the Clerk's Office within twenty (20) days. Cases in which consent is not given will nevertheless be first considered by the magistrate judge, who will make rulings or recommendations on all motions, including dispositive ones. SINCE YOU ARE REQUIRED BY LAW TO COMMUNICATE YOUR DECISION TO THE CLERK, FAILURE TO RETURN THE FORM WILL BE DEEMED A CONSENT TO THE EXERCISE OF COMPLETE JURISDICTION BY THE MAGISTRATE JUDGE UNDER 28 U.S.C. 5 636(c).

Very truly yours,

Frank W. Bullock, Jr.  
Chief Judge

FWB, jr.:Jdl  
Enclosure

NOTICE OF RIGHT TO CONSENT TO THE  
EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c) , you are hereby notified that the United States magistrate judges of this district court, in addition to their other duties, upon the consent of all parties in a civil case, may conduct any or all proceedings in a civil case including a jury or non-jury trial, and order the entry of a final judgment.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States magistrate judge must be entirely voluntary. Only if all the parties in the case consent to the reference to a magistrate judge will either the judge or magistrate judge to whom the case has been assigned be informed of your decision.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

\_\_\_\_\_ DIVISION

DECISION REGARDING CONSENT TO PROCEED  
BEFORE A MAGISTRATE JUDGE

Date \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CONDITIONS OF )  
 ) STANDING ORDER NO. 31  
HOME DETENTION )

WHEREAS, home detention may be imposed as a condition of probation or supervised release as an appropriate substitute for imprisonment pursuant to Sections 5C1.1(c),(d), and 5F1.1 of the Sentencing Guidelines, and

WHEREAS, the use of this alternative could also conserve the limited resources of prisons and jail space, and

WHEREAS, on the 26th day of January, 1990, Standing Order Number 24 was entered and filed by the court specifying the conditions to be observed in all cases in which home detention is imposed and establishing related policies and procedures thereof;

NOW, THEREFORE, for good cause, IT IS ORDERED that Standing Order Number 24, dated January 26, 1990, is REVOKED, and that in all cases where defendants are hereafter placed on supervision and directed to observe the conditions of home detention or home incarceration, the conditions to be observed shall be those specified in the attached "CONDITIONS OF HOME DETENTION," which are incorporated herein and made a part of this Order.

IT IS FURTHER ORDERED that this Order shall remain in effect until revoked or modified by subsequent order of the court.

This 22nd day of October 1993.

FRANK W. BULLOCK, JR.

Chief Judge, U.S. District Court

EUGENE A. GORDON

Senior U.S. District Judge

N. CARLTON TILLEY, JR

U.S. District Judge

HIRIAM H. WARD

Senior U.S. District Judge

WILLIAM L. OSTEEEN, JR.

U.S. District Judge

RICHARD C. ERWIN

Senior U.S. District Judge



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

Name: \_\_\_\_\_ Docket No. \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

CONDITIONS OF HOME DETENTION

The United States District Court for the Middle District of North Carolina has ordered as a special condition of probation/supervised release that I be confined to my residence for a period of \_\_\_\_\_ months. This condition has been imposed as an alternative to incarceration, and I will be under the strict supervision of the United States Probation Office. Any absence from my residence, except as expressly permitted, must be approved in advance by my probation officer.

My home detention rules and guidelines are as follows:

- 1) I am restricted to my residence except for medical or similar emergencies.
- 2) I may leave my residence to work at an approved job, perform public service as approved, or visit the probation office, but I must travel a direct route to and from my residence with no side trips unless authorized.
- 3) I may leave my residence for non-emergency medical and dental treatment upon notification and approval of my probation officer.
- 4) I may attend religious services and other related functions following the approval of my probation officer.
- 5) With the approval of my probation officer, I may leave my residence to take care of urgent or required family business if no other family member is available for such purpose(s).
- 6) I may have visitors, but I must maintain a log of all nonfamily members who visit my home. This complete and detailed log for each week, must be submitted to my probation officer on Monday of the following week.
- 7) I must also maintain a daily log of my activities for the week, and likewise submit this log to my probation officer on each Monday. The probation officer may discuss these activities with me.

- 8) I must report in person to the probation office every two weeks unless excused by my probation officer. The probation officer has the authority to require other personal contacts as well as make collateral inquiries in the community in the interest of my supervision.
- 9) I must call the probation office each workday, Monday through Friday; and I may be required to make other calls on weekends or holidays as determined by the probation officer.
- 10) The probation officer will make periodic visits and telephone calls to my residence at any time. In order to fully ensure and effectuate the appropriate supervision use of telephone calls to and from my probation officer, I am required to maintain private telephone service. Likewise, at the discretion of the U.S. Probation Officer, I may be required to eliminate certain ancillary call services from my line, such as call waiting, call forwarding, caller ID, and in some cases even answering machines.
- 11) Cordless phones and computer modem use are generally prohibited during this period of supervision, and I will be required to produce telephone bills upon request.
- 12) I will also abide by all standard and special conditions of probation/supervised release as imposed by the Court.

I fully understand that the Court may modify these conditions at any time. Home detention is an alternative to incarceration which has allowed me to remain with my family, continue my employment, and stay within the friendly confines of my home. I recognize home detention is a serious matter and I agree to treat it as such. I am aware that my failure to abide by these conditions will be promptly reported to the Court and expose me to the potential of a prison sentence.

I have read, or have had read to me the above rules and conditions of home detention. If my supervision has been referenced as Home Incarceration, I am aware these conditions apply to me. I fully understand these condition and will abide by them.

(Signed) \_\_\_\_\_  
Probationer/Releasee

\_\_\_\_\_  
Date

(Witnessed) \_\_\_\_\_  
U.S. Probation Office

\_\_\_\_\_  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RE: CRIMINAL )  
COVER SHEET )  
 ) STANDING ORDER NO. 32  
 )  
 )

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To assist the court in better managing its criminal cases, IT IS ORDERED that each time a criminal case is filed by the U.S. Attorney that the filings shall be accompanied by a filled in Case Cover Sheet, MIDDLE DISTRICT OF NORTH CAROLINA-CR- 1 (Jan 96), a copy of which is attached hereto .

This the 31st day of January, 1996.

<u>FRANK W. BULLOCK, JR.</u>	<u>N. CARLTON TILLEY, JR</u>
Chief Judge, U.S. District Court	U.S. District Judge

<u>WILLIAM L. OSTEEEN, JR.</u>	<u>JAMES A BEATY, JR.</u>
U.S. District Judge	U.S. District Judge

**Criminal Case Cover Sheet****U.S. District Court  
Middle District North Carolina****Place of Offense:**

County \_\_\_\_\_

**Related Case Information:**

Superseding Indictment \_\_\_\_\_ Docket Number \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number \_\_\_\_\_

Search Warrant Case No. \_\_\_\_\_

R 20/ R 40 from District of \_\_\_\_\_

**Defendant Information:****Juvenile** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

Defendant Name \_\_\_\_\_

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date \_\_\_\_\_ SS # \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Nationality \_\_\_\_\_

**U.S. Attorney Information:**

AUSA \_\_\_\_\_

Bar # \_\_\_\_\_

**Interpreter:** ~ No ~ Yes **List language and/or dialect:** \_\_\_\_\_**Location Status:**

Arrest Date \_\_\_\_\_

\_\_\_\_\_ Already in Federal Custody as of \_\_\_\_\_

\_\_\_\_\_ Already in State Custody

\_\_\_\_\_ On Pretrial Release

**Total # of Counts:** \_\_\_\_\_

~ Petty ~ Misdemeanor ~ Felony

**Index Key/Code**  
(Clerk's Office Use Only)**Citation and Description of Offense Charged****Count(s)**

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(May be continued on second sheet)

**Date:** \_\_\_\_\_ **Signature of AUSA:** \_\_\_\_\_**District Court Case Number (To be filled in by deputy clerk):** \_\_\_\_\_

### U.S.C. CITATIONS (continued)

**Index Key/Code**  
(Clerk's Office Use Only)

### Citation and Description of Offense Charged

Count(s)[illegible]

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**EMPLOYMENT DISPUTE            )**  
**RESOLUTION PLAN            )**

**Standing Order # 33**

For good cause appearing to the Court, this Court adopts, for all Units of this Court, as tailored for this court, the draft Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan of the United States Court of Appeals for the Fourth Circuit, tentatively dated January 1999. The Chief Probation Officer shall serve as the EDR Coordinator for matters arising in the Office of the Clerk of the District Court, the Office of the Clerk of the Bankruptcy Court, and the Pretrial Service Office. The Clerk of the Bankruptcy Court shall serve as the EDR Coordinator for matters arising in the Probation Office.

This the 29 th day of April, 1998.

FOR THE COURT:

FOR THE COURT:

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William L. Stocks, Chief Judge  
United States Bankruptcy Court

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Frank W. Bullock, Jr., Chief Judge  
United States District Court